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CHURCH RATE

A NATIONAL TRUST

BY

GEORGE ANTHONY DENISON, M.A.

VICAR OF EAST BRENT AND

ARCHDEACON OF TAUNTON

"Our doubts are traitors;
And make us lose the good we oft might win,
By fearing to attempt"

Measure for Measure

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CONTENTS.

Chapter		Page
I.	Introductory.	5
II.	Principle of Church Rate, based upon the Principle of a National Church, *i. e.* in England of Church and State.—Properties of Church Rate	9
III.	History of, down to time of first Assault . . .	38
IV.	Principle of Assault	73
V.	How the Principle of Assault has been developed into active Hostilities; and how these have been stimulated by circumstances within the Church . . .	95
VI.	Summary of Proceedings in Parliament . . .	118
VII.	Summary of Proceedings out of Parliament:—	
	1. Assault	147
	2. Defence	177
VIII.	Present aspect of the Country in respect of this Question	181
IX.	Fallacies:—	
	1. Abolition	187
	2. Exemption	205
	3. Commutation	218
	4. General	218

CHAPTER PAGE

X. Legal Position of, anterior and subsequent to the Braintree Case 234

XI. Amendments of Law 245

XII. Conclusion 259

APPENDIX.

A. Church Rate in Ireland 267
B. Church Rate in Scotland 268
C. Tabular View of Petitions, Divisions, &c. . . . 271
D. Church-rate Statistics as returned to Parliament . . 280
E. Bills read first time, 1861 280

CHURCH RATE A NATIONAL TRUST.

CHAPTER I.

INTRODUCTORY.

Errata.

Page 46, line 15 from bottom, *for* Moguntum *read* Mayence.
„ 51, „ 11 „ top, „ Basle „ Blois.

plicity does not make them either less powerful or less dangerous.

The causes appear to be principally these. First, that a great national change implies the existence of a grievance, real or imaginary, on the part of at least some portion of the body politic,—a grievance, if not admitted on all hands, yet urged by those who feel its pressure, and forced upon public attention by the use of all those means which the social and political constitution of the nation supply. Now when men are engaged in the attempt to rid themselves of a grievance, the feelings of each individual who takes part in the attempt become excited, his passions roused, and his prejudices tinged with a deeper colouring; and all these states of feeling, very unfavourable in themselves

CHAP. I.

to an approach to truth, assume an exaggerated shape when a man passes, as he cannot help doing, from the limits of individual action into those of party tactics.

On the other hand, those who do not desire the change, who condemn or deprecate it, address themselves in the presence of such assaults with difficulty and repugnance to the investigation of the grounds upon which an institution rests, which they have always been accustomed to regard as an integral portion of their constitutional inheritance: individuals, and much more bodies of men, are not brought into immediate contact with such assaults without being moved by some measure of indignation; and they are hurried into a desultory defence before they have time to draw together and consider and ascertain upon what principles the defence should be conducted; and so it is that men are very often found to be resisting the assault upon one or more bases which are only superficial, if they be not unsound; but which, having been once built upon, it is not easy to withdraw, and to replace with more solid and genuine materials.

There would seem to be but one course for those to adopt who live in the time of any such attempt, and who endeavour to guide the public mind in accepting the change wholly or partially, or in rejecting it altogether. That course is to withdraw themselves so far as they may, and to labour to withdraw others with them, on the one hand, from the heated and tainted atmosphere of excited feeling and prejudice and passion, and above all from considerations which have nothing to commend them save that they have become elements of party union; and, on the other, from the chilling region of a careless and false security, or the snares and pitfalls of a plausible expediency, into the

pure warm air and safer path of constitutional principles and high and sacred trusts. It would seem to be necessary to pursue this course with a view not to those only who are engaged in making the attempt, but much more even with a view to those who oppose to it more or less of resistance, or regard it with passive disfavour. For great national changes are brought about not so much by the zeal and energy of those who promote them, as by a want of faith in the particular position assailed at any given time, a want of appreciation of what is at stake, indolence, indifference, weariness of protracted contest, and selfish resolve not to look beyond their own limited interest and their own life, on the part of those who are averse to them. The man too who is in possession of an ancient and time-honoured inheritance, however his right may be assailed, is always slow to believe that the assault will succeed, and is moved with difficulty to take precautions in self-defence.

All minds in this condition—and unhappily there are subordinate causes very powerful in their operation at this time which make it to be the condition, in one or another of its many aspects, of a very large proportion of those who take part directly or indirectly in public affairs—require to be met full in front, and checked, and thrown back upon principles, and persuaded to pause and consider what that is which they are about, so easily and unconcernedly, not to say flippantly, to change, or to allow to be changed; what is the exact state of things which the change will establish in all its parts; what are the direct and collateral issues of the change; and what its immediate and future bearing upon national interests.

For these purposes it is necessary to present a com-

CHAP. I.

prehensive account of the particular matter or matters in respect of which a great national change is attempted to be made at any given time. To state and review the principle of that which it is proposed to sweep away, or to modify; the history of it as established in practice; the principle of the efforts made against it; with the history of those efforts, and of the efforts made in its defence; to strip the question of all fallacies with which it is encumbered, either on the part of those who desire to maintain, or to overthrow the existing position; and to offer it in one view to the calm and patient decision of those upon whom the responsibility rests of destroying, or of altering, or of preserving it in all essentials inviolate.

The object of the present work is to do this in respect of Church rate: one of the most ancient, if not the most ancient, and certainly not the least sacred, of all the national trusts and liabilities of the English people.

CHAP. II.

PRINCIPLE OF CHURCH RATE, BASED UPON THE PRINCIPLE OF A NATIONAL CHURCH, *i. e.* IN ENGLAND OF "CHURCH AND STATE."—PROPERTIES OF CHURCH RATE.

THE principle of Church rate as existing from time immemorial in England and Wales is this. That the occupiers of lands and houses are charged with maintaining the fabric of the churches, and with supplying the necessaries of Divine worship according to the doctrine and discipline of the National Church, in behalf of the whole population: the amount of such charge being measured in each case by the value of the land or house occupied. By what rules the assessment was guided in early times may not be very clear; but since the enactment of the poor law of Elizabeth, it has gradually followed the analogy of that law.

There is a principle underlying this, deeper than which we cannot go, and which is the foundation of all National Churches; namely, that it being the chief national privilege and blessing of a people that all should live "in the unity of the Faith," * the governing power of the English people, as representing

* "Whereas nothing conduceth more to the honour of GOD, the settling of the peace of a nation, which is desired of all good men, or to the adornment of religion, than an universal agreement in the public worship of Almighty God, &c."—*Preamble to the Act of Uniformity as passed in the Parliament at Dublin*, 17 *Car. II.*

the whole people, identifies itself in its corporate character with the holding and the teaching, by the appointed means of the Church, of the "one Faith" "once committed to the saints;" does public homage to the Church in all its acts; seeks and receives its sanction for all the principal events of the national life, and testifies its faithfulness by guaranteeing the property of its ministers and the means of providing for the common worship of the people. Thus we arrive at what is called in England "Church and State."

Now it is true that a portion of the charge here spoken of, that is to say the maintenance of the chancels of churches, falls upon the rectorial tithe; but all the rest, that is to say, the maintenance of the whole body of the church, with its churchyard or place for the burial of the dead, and with provision for those things necessary to the performance of Divine service, is a charge upon the occupiers of the country, and has been so from time whereof the memory of man runneth not to the contrary.*

Church rate is then an integral part of the National Church; that is to say, it is one of those things which make the National Church to be what it is. Take it away, and the National Church is no longer the same thing — a better thing or a worse thing is not here the question — that will come by and by: what is contended for here is the non-identity of the two things. The Church of England with Church rate and the Church of England without Church rate, are not the

* "The parson is bound to repair the chancel, not because the freehold is in him, for so is the freehold of the church; but by the custom of England, which hath allotted the repairs of the chancel to the parson, and the repairs of the church to the parishioners."— *Gibson*, vol. i. p. 199. fol. Oxford, 1761.

same thing, but two different things; different, not in detail but in principle, not in degree but in kind. The Church of England with Church rate is the Church of the whole population, that is, it is the National Church, the exponent of the Faith of the Nation. The Church of England without Church rate, or with occupiers exempted from charge by law, is the Church of such only as profess to belong to it, who neither exempt themselves nor are exempted by general statute. It is just the difference between a national religion and a religion which is not national, however widely it may pervade the people: it is just the difference between an institution, that is, a thing which is for all alike, and a provision to meet certain circumstances of detail and degree, that is, a thing which is only for a part: it is just the difference, to speak logically, between a "property" and an "accident" of the country. It will be well to guard in this place against an objection not unfrequently made to the conclusions here stated, as though what is intended by them is, that if the Church in its National character be overthrown or mutilated, the Church in its Catholic character must of necessity be overthrown or mutilated also. Now no such thing is intended, nor could be intended. But all such objectors are invited to consider this—that the Church in its National character being our primary national gift and trust, if we be unfaithful to our trust and lose it—which is the only way in which we can lose it—it may be our well deserved punishment that we lose the Church in its Catholic character also.

Now the principle of Church rate here stated is not denied; but it is said that it is, at least in these days, an abstraction: and two chief objections are alleged, as from facts, against the position that, if Church rate be

AP. I. done away wholly or partially, the Church of England ceases thereby—not by anything which has been done already, but by this specific thing—to be what it has been more than a thousand years, that is, the National Church.

The objections are stated as based upon and derived from facts: that is, certain facts of the national history are adduced as having so set aside the principle here affirmed, and in such manner made it to be obsolete, as to bar any sane man from insisting upon it as *the* ground of public action in defence. This is, it is conceived, a fair statement of the substance of these objections. The point is to show that no one of the facts, nor all of them taken together, touches the case, however they may appear to do so to the superficial inquirer.

One of these objections proceeds from those who are not friendly to Church rate, and who represent that it would be a positive advantage to the Church to do away with it. The other proceeds from those who desire to see Church rate preserved, but who, either from want of faith in the position of the National Church, or from some other cause, having persuaded themselves that in one measure or another Church rate must needs be surrendered, desire to satisfy themselves and others that the surrender, to such extent, or indeed to any extent, does not involve the consequence stated.

Both objections require to be sifted and answered.

The first objection may be put thus.

The argument touching the effect of doing away Church rate upon the position of the National Church may be very good as an abstract argument; but, as matter of fact, the Church has long ago ceased to be the National Church, in that many millions of the people

do not conform to her doctrine and discipline. Church rate therefore may be done away without affecting the position of the Church of England.

Now there is a fallacy here, and a very transparent fallacy. The objector uses the term National Church in a sense different from that in which it is used in the argument to which he objects. The National Church of the argument is that branch of the Church Catholic which, having been planted in this country in very early times of Christianity, has grown up with the growth of the State, and has always been a part of the State, and an integral part*; and some three hundred years ago was purified from sundry corruptions of Faith and practice, and brought back to the Faith of the Church primitive. This is the National Church of England: to it belongs by prescription so ancient that it cannot be definitely traced, prescription which has been guaranteed and confirmed from time to time by statute law, what is called Church rate; that is to say, a charge upon the occupiers of the country, measured by the value of the occupation, for the purpose of enabling the Church to discharge its duty as the recognised teacher of the people, the exponent of the Faith of the nation. The theory is perfect and very beautiful: the practice, after three centuries of nonconformity, is, in respect of by far the greater number of parishes, if not perfect, very nearly so: and it is one distinguishing feature of these days that it is in gradual but steady process of advance towards greater perfectness by the sweeping away of pews and making the most of the area

* If "the State" of England were to lose "the Church" of England, the State of England would no longer be the same thing in kind that it ever has been, but a different thing. Just so if the National Church lose the Church rate. Both are integral parts.

AP. I. of the churches for the benefit of all the parishioners. And, in respect of all those parishes where it is in abeyance, it is not the theory which is in fault, nor again—to the shame of England be it said—is it those who are separated from the Church who are principally to blame; but it is the combined neglect of Church and State in not having cared for this, that the due development and application of the theory to the great centres of population keep pace with the growing wants of the population. Is it doubted that, if there had been churches and ministers provided for them, tens of thousands of nonconformists would never have been other than Church people? Aye, and if churches and ministers were now provided for them, would even now become Church people? And even supposing the call to be made under circumstances of local efficiency and means of worship on the part of the Church sufficient to meet the case, but the answer not to come; there is no reason here why the foundations of the National Church are to be broken up for this and all future generations because there are multitudes who insist upon their liberty not to worship as it is her commission and her privilege to teach. It is nothing then to the purpose to speak of those parishes where the practice of Church rate is in abeyance because of the nonconformist population; and the fact remains, that the National Church, being the exponent of the nation's Faith, has it in charge to minister to the whole people; and to this end is endowed with Church rate: this is, and has been for upwards of a thousand years, the nation's way of providing for the public worship of God as conducted by the ministers of the Church, and the nation knows nothing as a nation, and never has known anything, of any other way.

But the National Church of the objector is a thing wholly different. He is well aware that he cannot say that the National Church of the argument, which is no abstraction, but a fact, has ceased to exist; and so he introduces another sense of the expression, forgetting that an argument which has four terms in it is necessarily unsound. His National Church may indeed very easily be said to cease to exist, for it is a thing dependent upon the mind of the people in each particular place; so that in one parish, where all or the great majority of the parishioners worship in the parish church, the National Church shall be taken to exist, but in the next parish, where the great majority worship in meeting-houses, it shall be taken not to exist. The fallacy is evident: it is more; it is very dangerous; for it rests upon the position that the will and judgment of the majority is the test of religious truth. But the real account of the matter is this; that no amount of nonconformity affects the position of the National Church, so long as the State recognises in it the exponent of its Faith, *and* guarantees to it, as such, the means of teaching and ministering to that Faith. The churches, the churchyards, the ministrations of the clergy, are all free, upon this basis, to the nonconformist as well as to the churchman. What is the reasonable account of this freedom? That the nonconformist as the churchman pays tithe rent-charge to the clergyman, and Church rate to the Church, as part of his national liabilities. Take away the Church rate, and he has no longer the same claim either in prescription, or law, or reason. Then indeed, but not till then, would the Church cease to be National, and a broad hard line would be drawn between the churchman and the non-

CHAP. II.

conformist; a line which it should be our aim not to define and make more distinct, but gradually to obliterate by bringing home to the neglected masses of the population the primitive Faith and apostolic order of the National Church.

The first objection therefore may be dismissed, as having nothing solid, but only a kind of superficial plausibility about it. It is a summary of the sort of reasoning that is to be found in the newspapers which advocate abolition of Church rate, and in some newspapers which profess to maintain the rate. And it would be foolishness in writing on this subject not to deal directly with the reasoning of newspapers, for a very sufficient cause which is this; that the newspapers being exponents of public opinion, contain nearly all that has been written or said upon this particular subject.

The other objection has its source in a different "animus," and proceeds upon different data. But it arrives at the same conclusion. It may be stated in the words of a newspaper article.*

"The scruples which Lord John Russell † and the archdeacons allege against violating the principle of an Established or National Church seem to involve somewhat of a confusion of ideas. The principle has, in fact, at different times assumed very different shapes. Under the Stuarts it meant an entire coincidence of Church and State, conveying to every citizen like privileges and obligations, and taking no account of nonconformity except as a misdemeanour. In this form it has virtually ceased to exist in England. Non-

* Guardian, Dec. 5, 1860.

† Lord John Russell can hardly be cited for a principle which, however strongly and repeatedly affirmed by him in Parliament, he denied by his vote, July 13, 1859, and on two occasions since.

conformists are not merely tolerated, but their special legal status is distinctly recognised. Special provision is made for them in the legislature, the universities, and public schools. Their chapels and religious rites have acquired special privileges, and all grants of public money, and even Queen's letters, in aid of Church purposes have long ceased. Any one of these incidents is a clear violation of the old Church and State principle, and destroys its integrity."

"Fallacia non latet, sed patet." With all respect for the writer of the article — not to notice here sundry other points in the few lines quoted which are open to remark — the "confusion of ideas" of which he speaks is not with "Lord John Russell and the archdeacons." For what resemblance or what analogy is there between the instances adduced by the writer of "clear violation of the old Church and State principle" and the abolition of Church rate? How can the free admission of nonconformists to a share in public privileges from which they were formerly excluded, or any recognition of their legal status, however distinct, be placed in the same category of things done in disregard or violation of the principle of an Established or National Church, with the taking away from the Church her right of property guaranteed to her from time immemorial, as *the* means, the only public or national means, of providing churches and Divine worship? Are then acts of toleration, negative or positive, and acts of spoliation things the same in kind? Do the one "violate the principle" of an Established or National Church upon the same rule as the other? or is it not the fact that the Church of England, with her tithe rent-charge and her Church rate, stands before the world the same "Established

CHAP. II.

or National " Church as she has ever been ? — ten thousand acts of toleration and of admission of nonconformists to public privileges notwithstanding — and, it may be, her position as the National Church is all the stronger thereby. The body is still complete, though its free movement and action be impeded or barred; and though side by side with it there be now other bodies claiming equality with it as of right, and in some respects, though not in all, admitted to equality; bodies without any fetter or tie upon them save that of the common national obligation and liability to contribute to the maintenance of the national institutions.

But take away Church rate, or surrender it in any part, and the body is no longer the same body; one main limb is lopped off or maimed — lopped off or maimed never to be restored or healed. For it is surely idle to talk of bringing people to respect or love Church rate by putting it in their power to exempt themselves wholly or partially from paying Church rate. Of all the fallacies of these days there would seem to be no one more curious or more dangerous than that which would persuade men that if you want to win people back to the right and clear appreciation of a trust, the way to begin is by compromising or evacuating the trust.*

We may then dismiss this objection also as lacking that solidity which is good in an argument. It would

* Thus there are some churchmen found to say it would be a good thing to get rid of " Church and State," *because* the main obstacle which interposes to prevent dissenters becoming Church people being thus removed, dissenters generally would become Church people. Then all your constituencies having become " Church," all the representatives would be " Church," and the legislature would vote " Church and State " back again. Is this folly, or is it jesuistry ?

seem that the writer is about as far as the previous objector is from the knowledge of what it is that makes the Church of England to be the National Church. But it may be observed by the way, first, that if there be that resemblance or analogy which the writer of the article conceives there to be between the instances which he has adduced and the partial surrender of Church rate, the only legitimate conclusion to which his argument points is, that Church rate being done away altogether, there be introduced by law, in its place, a rate for general religious purposes, to be assessed upon all, and distributed in proportion to the claims upon it of the several religious bodies existing in each parish — a conclusion which, it is apprehended, the writer of the article will hardly be prepared to adopt. Secondly, it has to be observed that people talk and write of a partial surrender of Church rate by way of self-exemption, as though there were such a thing among things conceivable, — as though it would be still a rate, in any legal or proper sense, when no ratepayer need pay it if he does not choose. A levy agreed to and made upon such a principle is not a rate: it is to all intents and purposes a voluntary contribution; and there is something which does not look very candid in not taking care to call it by its real name.

The two staple objections to the position derived by necessary consequence from the principle of Church rate as stated at the beginning of this chapter have been now disposed of. It was necessary that this should be done in the outset, because unless it be placed out of the reach of every reasonable objection that the constitutional position and proper character of the Established or National Church is

CHAP. II.

bound up with the preservation of Church rate, all else that can be urged in support of Church rate will not avail to save it; because all else would not suffice, in the presence of a determined and vigorous hostility, to call forth any defence other than that half-hearted and temporising resistance which is limited by considerations of political or social expediency, or selfish love of ease, and draws no inspiration from a consciousness of trust and sacred obligation. But the people of England know the value and the blessing of their National Church; and, with all its imperfections and shortcomings, they love it too well to allow one finger to be laid upon any part of its constitution, the loss of which would leave it a thing different in kind from that which it has been to their fathers and to themselves for so many centuries. When they understand—and they are slowly but steadily coming to the understanding—that the real issue involved in the contest about Church rate *is not* that which many churchmen have represented it to be — regarding the contest by some inconceivable process of infatuation not from the stand-point of the adversary, but from the stand-point of their own imperfect appreciation, not of the value only, but even of the nature of the thing assailed—and that it *is* that issue which the abolitionists do not hesitate to affirm it to be — that it is no question of a paltry money grievance — that it is no question of the nonconformist conscience being offended by such a grievance as this — for these things are exploded fallacies, exploded in a moment of incautious candour by the same hands that have laboured to construct and impose them upon the popular judgment,—when it is perceived clearly that the conscience so often quoted is the conscience which

will not endure any National Church at all,—then the people of England who love the Church and the Crown, will take their stand upon Church rate in all their collective strength, as they have begun to do here and there throughout the country, and being sure of the position, that is, having faith in the position, they will survey from it with a clearer vision all the many and great advantages which flow from and surround it, but which, being in their nature not principles but details, not causes but effects, may not be relied upon as able in themselves to bear the burden of the defence. For let it be repeated once again that the only thing which can be relied upon to bear the burden of the defence, is, that Church rate is an integral portion of the Established or National Church.

From this position then, around which all who love Church and State are drawing together with that slow but settled determination which belongs to men who have faith in their cause, it will be of advantage to review in this place certain properties of Church rate, certain subordinate elements of its constitution, which serve to show not only how deeply it is embedded in the foundations of our civil and social polity, but how naturally as it were, and in that unobtrusive manner which belongs to things that are true, it bespeaks for itself all the genuine sympathies of the English mind. For as there would be no honesty in overstraining the case, and claiming for the principle of Church rate anything that cannot fairly be set down to it; so there would be a want both of wisdom and of faithfulness to the trust not to endeavour to state the whole case as it really is.

The first of those public and private advantages which flow from and surround the principle of Church

CHAP. II.

rate, is that it gives to every occupier in the country a direct concern with supplying and maintaining, in behalf of all, the means of Divine worship according to the doctrine and the discipline of the National Church. That the amount of the liability is in each case only small makes little or no difference here. A ratepayer does not think less of his interest in the Church because an ordinary rate does not exceed three half-pence in the pound. It is the fact of having to pay a rate at all which serves again and again to identify him with the institution which it helps to maintain, and which gives him a direct tangible interest in it, — an interest which is not necessarily of an inferior order because it is connected immediately with the payment of money. The legal liability to contribute something towards the maintenance of the Church is a help to the growth and support of a right public feeling by no means to be despised. What its value is would appear too truly when the thing itself had been lost. Now contrast this principle of obligation upon the citizen, external to and independent of the man himself, to do something for the maintenance of an institution which is, to say the least of it, a better and more perfect and holier thing, and a greater means of universal good than what any man can think out and establish of his own power of thought and action — contrast this with the impulse and guidance of the individual will, that is, with the principle of the voluntary system. Can it be that it is good for a people to be left to depend for the means and the manner of public worship upon what such impulse and guidance may engender and direct — can it be that it is good for each separate man to be thrown so entirely upon the dictates of his own understanding

and his own will? Or if, after all, what is intended by the voluntary system be, as it surely is, only a delusion — the power of which lies in the strength of man's chief temptation, the conceit of his reason; and the nonconformity of the nonconformist be a thing in its nature as external to and independent of the man himself as any part of the rule and order and liabilities of the Church are to the churchman,— if both be alike controlled by those laws of GOD'S Providence which provide for the mutual dependence of man upon man,— and if the one has upon it the seal and sanction of antiquity and usage and law, of long trial and national experience; and the other has no sanction at the best but the learning, or the piety, or the zeal, or all combined, of some individual Christian, persuaded, it may be, that he has a call from heaven to guide and amend the Church, but having no proof of his call to show,—by which of the two is it true philosophy and true statesmanship to abide on behalf of a people; true humbleness of heart and distrust of his own power to direct his steps on the part of the individual man?

It is necessary for the purposes of the argument to contrast the principle of legal liability with the principle of the voluntary system, but it is with no desire to be unjust to the efforts and the sacrifices of the latter. When it is suggested, as it is continually, that, if Church rate were done away, its place would be more than supplied by the voluntary system, it is the duty of those who have no such belief, and who have grave objections to that system, objections both of principle and of detail, to do what they can to lay open the true state of the case. Now the voluntary system is one thing—voluntary efforts are another; and the best and soundest position, so far as we have ex-

CHAP. II.

perience, would appear to be that combination of legal liability with voluntary effort which exists in the Church now. A definite liability of small relative extent becomes the foundation of a large superstructure of voluntary effort; a foundation so sound and so complete, that it is well able to bear the weight of all that may be built upon it. But take away Church rate, the foundation, and it may be more than doubted from all our knowledge of the voluntary system, not whether voluntary efforts could be successfully applied to fill up the void—for this can hardly be supposed—but whether, under circumstances so essentially changed, they would reach their present level. For, excellent things as such efforts are, the best indeed that can be applied to times of exceptional and extraordinary requirement, and as supplementary of established resources, they are the worst thing possible to trust to for the supply of ordinary and every day wants, in the absence of any such resources, and especially when these have existed, and have been withdrawn.

There is one matter of detail belonging to this part of the subject which may be noticed here as the fittest place for it. Those who desire to see Church rate destroyed cannot be expected to consider it, though the call upon them to consider it be a matter of simple justice. But those who are prepared to surrender part of the trust, in order, as they say, to save the rest, may well be asked to pause upon it.

Let us suppose Church rate abolished or surrendered in certain localities, or to some extent in every locality, which last is what the self-exemptionists must be prepared for. If the object be to "settle the question," as it is said, and to get rid of the agitation, it can only be proposed gravely to replace Church rate

with voluntary contribution: all other schemes for replacing it may be all very well for churchmen to propose, who look at the thing only from their own point of view; but to dissenters, that is, to those who have originated and who carry on the agitation in their own sense and with their own view, all such schemes are simply devices for riveting closer and firmer about their neck that particular link of the visionary chain which they are bending all their efforts to break into fragments. The dissenters then will have nothing but voluntary contribution, *and if anything is had except Church rate itself, this is what will be had.* Now the point of detail referred to is this. That the burden of efforts for replacing Church rate by voluntary contribution will in the great majority of parishes fall wholly on the clergyman. In many, and these often the poorest both in point of valuation and endowment, the clergyman will have to choose between seeing the church decay and the services left without provision, and heading the subscription himself, with perhaps no great prospect of seeing the list grow under his hands to the required extent, though he has made on his own part the addition of a new item of expense to the outgoings upon his scanty professional income. In all parishes there will be a claim novel and irksome in its character, and interfering in many respects very injuriously with his recognised ministerial functions, upon the time and energy of the clergyman: and it must be borne in mind that the tendencies of the times, which are all in the direction of a town life, are every day leaving the clergyman in a more solitary position in the country parishes.

When therefore men talk so glibly about the voluntary system and the marvels of its working among the

CHAP. II.

nonconformist bodies, let it be granted, for argument's sake, that all that they say is true. But do they not forget, or put out of sight, that, for many reasons, there is no real analogy between the working of these bodies and that of the Church? In the nonconformist bodies the minister is not the person upon whom devolves directly—or indirectly, save only so far as his popularity as a preacher may attract to his chapel those who are able to contribute—the responsibility of caring that all things be in decent order and repair. In the parishes it devolves practically more upon the minister than upon any other. In strict law, doubtless, it is the churchwardens who are responsible; but, as matter of fact, there is not any very great amount of original and independent action on the part of churchwardens, certainly not in the rural parishes; and as matter of good government it is not to be desired that there should be. The churchwardens themselves, as a body, would be the last persons to desire it.

To pass on from the individual parishioner to the parish in its collective or corporate character. It is surely a thing of no little value that in dealing with Church rate this corporate character is called into action for the specific purpose of maintaining, in behalf of all, and transmitting unimpaired to those who shall come after, the same sacred corporate trusts of the same parish. Of all things with which a parish has to deal in its corporate capacity, those things which are the subject matter of Church rate are the highest and the best; and in their proper nature and use tend most directly to brotherly union and concord, and to what is of even deeper and holier import, to a recognition, often pervading the heart and life where it finds no expression in words, of the common membership in

CHRIST. If this be so, then that which brings the parishioners together into one place for the specific purpose of making common payment out of that which they have received of GOD, for preserving and handing down in decent repair and order their common heritage of blessing, this is surely a thing which is, in itself, a precious inheritance, one not lightly to be cast away. What shall supply its place, as having a like subtle and pervading influence, not the less pervading because often insensible? Nothing can supply its place. If it were only a question of a sum of money, many things possibly might supply its place, but it is not only a question of a sum of money; and no device which, upon abolition of Church rate, shall supply the money needed for church and churchyard and divine worship —though it supply it regularly and fully, which is little to be expected — can come in the place of Church rate, because it must lack the living principle of the common interest of all ratepayers in maintaining, as members of one body, what is for the use and the blessing of all the members of that body whose lot is cast in the same place. As things are in the Church of England, as things have been for 800 years, every occupier of house or land in each parish joins with his brethren to maintain and to furnish the houses of GOD. Those houses which have, thousands of them, filled the places where they now stand for centuries before the sound of nonconformity was heard; which will, with GOD'S blessing, fill the same places still when many of its denominations shall have passed away, — in those houses, belonging to all, open to all, maintained by all, there is the one font of the one Baptism of the one Lord; the one Book of Common Prayer and Administration of the Sacraments for the guidance of the

worship of all in the one Faith, the one table of the one Bread. Around them the one place of burial for each one who has died. What provides and maintains these things? It is the Church rate. On what principle? That all pay according to the value of house or land to preserve His blessed gifts to themselves and to all. Is there no binding together here into one body of all who live in the same place? Is there nothing to make men pause before they cast the means to it away for ever, at the bidding of those who do not love it, because they do not yet know—often from no fault, it may be, of their own—what it is? Have men no misgiving in thus rejecting, as by common consent, that which has been so long provided for the best uses to the hands of this people? Are they not ashamed to abandon their trust, — not because they have found it fail them, not because they have any belief that they shall succeed in putting anything which may compare with it in its place, but for no better or more worthy reason than for an alleged grievance which has no foundation, and a party cry?

Another point in which the system of Church rate presents a great advantage is, that it implies, and is an instance of, local government, and this in respect of matters which touch men very nearly. Again, it is an instance of good local government. There is among ratepayers now a great and very proper jealousy of any extravagance or maladministration of money raised for Church purposes,— greater, perhaps, than in any other case of parish funds,— arising partly from an instinctive repugnance to any abuse or misapplication in connection with things sacred; and partly out of a desire to avoid the loud complaints that are reasonably made of

every such abuse, and out of a sense of the advantage which the adversary has reaped from the abuse. All things in their own nature fair and true flourish best under publicity and inquiry, just as the soundest plants attain their greatest perfection when most exposed to the sun and air. That there should have been no abuses connected with the administration of Church rate during the long period when it attracted no public remark, it would have been foolish to expect. When once the cry of grievance and abolition had been raised, and men were looking everywhere for something upon which to hang the grievance, the abuses, never of any great extent, were easily corrected, leaving the theory itself cleared of all those excrescences and blemishes which were no part of its natural condition.

Church rate may therefore be safely stated as supplying an instance of good local government; of administration of a national trust by those who are immediately concerned with the purposes and objects of the trust, and with its general wellbeing, in each several locality. And as such local government is one principal element of the happy state of things under which the English people live, Church rate, which is about the best instance of it, ought not to be robbed of its praise in this particular.

Now some people say it is a parochial, not a national, trust, and a cloud of words is raised about this point, much as there is about the point of its being only a personal liability; which is true enough if rightly understood; but it is put sometimes as if the liability were not measured by the value of the lands or house occupied by the person assessed. The gist of such argumentation, with reference to the great points at issue, is not very clear; but the argumentation itself savours

CHAP. II.

more of special pleading than of anything else. The refuge from such things is found in the broad common sense of the people, which tells them that if their parish churches are part of a national institution, — and of this fact they are too well persuaded to be shaken by any amount of special pleading, — then that charge which has attached, in behalf of the parish churches, to all the occupiers of the country some hundreds of years before any one of the existing parish churches were built, must needs be a national matter too.

It is curious and instructive, though it be not pleasant, to remark how all the special pleading on this subject comes, not at all from the abolitionist but, from the conservationist. The first goes too straight to his mark to trouble himself about words and phrases. The other, having not yet arrived at any exact or definite principle, such as they would feel bound to maintain, waste their energies upon arguing for this or that compromise, no two of them being precisely in agreement as to what the compromise shall be; but in this agreeing, that they fondly imagine that by means of some compromise or other, that is, by giving up to the adversary that which he cares nothing to have, and will not have at their price, they may save for the Church all that the adversary does care very much to have — the very point and object of all his assault. It is a strange kind of delusion — one which has never been exemplified more curiously or more distinctly than in the conduct of much of the, so-called, defence of Church rate.

To leave all such reasoning for the present, the thing insisted upon here is, that the administration of Church rate in some nine thousand parishes is the best instance we have of the administration of a national

trust by local authority. The liability is a national liability; the extent to which it is to be met in each case is for the discretion of those who are upon the spot, who are the best judges of what is wanted, and who have a special interest in seeing that it is provided — that kind of interest which is, in the main, the best guarantee for a faithful discharge of the liability, and which it is impossible to replace in all its effects and tendencies by any central supervision. There will always be exceptions to such faithful discharge, but these do not affect the general aspect of the case.

All this point of local government, it may be said, is, after all, no argument against the abolitionist, because he would leave the care of churches and Divine worship quite as much in the hands of those on the spot as it is now; only he would reduce the legal liability of all to the voluntary contribution of some; thus destroying the national, and establishing the sectarian, character. The reply is, that it is not urged as an argument against the abolitionist. It is urged, among other arguments, to show that the existing state of things is a very good state of things — one deserving of a much better defence than it has hitherto received at many hands.

Another property of Church rate, one of its chief excellences, has been much overlooked. It may be stated in few words. Church rate is the endowment of the poor man in respect of his spiritual wants, just as Poor rate is the endowment of the poor man in respect of his bodily wants. The Poor law declares and establishes the principle that no man in the land, whatever be his misfortunes or his misdoings, shall starve. The usage and law of Church rate declares and establishes the principle that no man in the land,

CHAP. II.

whatever be his involuntary ignorance, or his deliberate separation from the National Church, shall lack the means of Divine worship. There is a national provision for the wants of the soul, as there is a national provision for the wants of the body.

Again, the Poor rate provides for the extremes of bodily want. The numberless charitable foundations and institutions come in aid, caring by way of voluntary contribution for those needs of the body which the Poor rate cannot reach. The Church rate provides for the sound condition of the decent fabric of GOD'S house, and for the necessaries of Divine worship. The funds of the Church rate are helped and raised to the required amount by the aid of the Church Societies and private donations and subscriptions.

Again, the extreme bodily wants of the poor man are soothed and comforted, over and above the necessary relief given by means of the Poor rate, by the alms of the offertory, and by the gifts and sympathies of private charity. The voluntary gifts of the children of the Church, and not unfrequently of those who are not children of the Church, supply many helps and accessories to worship which, if they be not necessary, are yet very valuable. The analogy appears to be in all its parts complete.*

But there is no example of it in many of the great towns. Why? Because there the Church rate is in abeyance from causes which will come under review by and

* The analogy holds also in respect of the amount of the liability and its enforcement. It is in the case of Church rate, as it is in the case of Poor rate, the amount of liability is measured by the value of the property in the occupation of the person assessed: the remedy lies against the person assessed, not against the property occupied, in both cases.

bye. What has been at once a cause and a consequence? That in the great towns there is very little, comparatively speaking there is no, provision for the spiritual wants of the poor man in respect of his access to the means of grace. The parish churches of the towns, instead of having, as they ought to have, every inch of their area free and open to those who press in to pray and to hear the Word of GOD are, to a great extent, cumbered with pews, which, in not a few cases, have been bought and sold. In the parish church of Yeovil, for example, not many years ago, one man held by purchase eleven pews, and was much surprised and (in his own view) aggrieved when he found that the whole transaction was illegal, and that he had lost his money. The chapels of ease to the parish churches in towns are commonly in yet worse case.

Now the Poor rate, supplying the extreme wants of the body, holds its own in the towns. The Church rate which should have been maintained and enabled to hold its own also, but which, alas! has been abandoned and betrayed, in such sort that though it be indeed a living thing, it wear the aspect of a thing that is dead; the Church rate, the national provision for the poor man's extreme spiritual want, and his national endowment, has come, under the aspect of a failure, for which it is not responsible, to be identified in the popular mind with hardship and wrong; and is seldom mentioned unless it be in the language of depreciation, or as the fittest subject for unsparing and violent abuse. So it is that GOD'S best blessings and His choicest national gifts are brought, in the hands of man's unfaithfulness, to wear the semblance of a curse, and are changed from their own proper nature into means and instruments of evil.

CHAP. II.

Now no man in England has ever dreamt of getting rid of the law of Poor rate, though the practice of it has not been free from abuses: the attempt has been to amend, and not to destroy it. But Church rate men talk glibly and carelessly about destroying, though it be a thing of threefold greater antiquity, and ministering to higher purposes and deeper wants. What will happen, among other things, if Church rate be destroyed? This will happen. The poor man who now worships free of cost, to whom the Gospel is preached free of charge in his parish church, will have to pay for his sitting in his parish church. Now it is said by people who write newspaper articles, and who rejoice to live in towns, but who have no knowledge of the country, that this is an exaggerated conclusion. It is not an exaggerated conclusion. It is as easy of demonstration as anything can be which has not yet taken effect.

The analogy here traced is surely a very remarkable feature of our national condition, one so remarkable that it may well induce men to pause and consider awhile whether the hand of GOD be not in it for great purposes. If it be so, who shall tell what the harm and loss will be to all, if, instead of welcoming the gift of His good Providence, and labouring with hearts which care for better things than party triumph to make the gift bear its proper fruit, men break it up and cast it aside as a thing of contempt and a hindrance to the well-being of the people? There are aspects under which party conflict, being in truth the endeavour to gain the ascendancy for one principle of action over its opposite, and having nothing in it which is of necessity dishonest or unworthy, is of great service to the cause of good government. But when that conflict touches things Divine, or the properties of things

Divine, its proportions are all in exaggeration and deformity, and its lineaments are dark and hateful.

There is one other consideration to be noticed here which has also been much overlooked. The holding of Visitation Courts, and the supervision therein and thereby exercised by the visiting Ordinaries of the Church over the churches and the churchyards and the necessaries of Divine worship through the churchwardens,—a supervision which no one who has any knowledge of the subject will deny to be of great value and not easy to replace,—is so bound up with the usage and law of Church rate, that it is hard to say, if Church rate were abolished or metamorphosed into a voluntary contribution, under some device embracing self-exemption, how a Visitation Court could be held at all; or, if held, how churchwardens, who have been cited to it with the clergy for many hundred years, could reasonably be cited to attend it any longer. There is doubtless other subject matter of the jurisdiction of a Visitation Court: but, unhappily for the well-being of the Church within her pale, and for the good report of the Church without her pale, it has almost perished from neglect, though it be witnessed to emphatically both by our Prayer Book and our Articles, and expressly cared for in its exercise by statute law.* It would be a sight worth many years of disappointment and distress, to see clergyman and churchwardens uniting to present to the visiting Ordinary, sitting in his Visitation Court, a case of scandalous life and conversation†, and upon such presentment being

* Commination Service; Article xxxiii.; 53 Geo. III. c. 127.; 2 & 3 Will. IV. c. 93.

† George Herbert's "Country Parson."—*The Parson with his Churchwardens.*—"The Country Parson doth often, both publicly and

CHAP. II.

dealt with as a nullity, in that case to see the visiting Ordinary compelled by mandamus to do his duty as judge of his court, according to the law of Church and State.

Meantime the point here insisted upon is the close and necessary connection between the visitatorial jurisdiction and the law and practice of Church rate—a connection so intimate that if the latter cease to be levied, or be altered in its nature, the former, for every present practical purpose, must cease with it.

privately, instruct his churchwardens what a great charge lies upon them; and thus indeed the whole order and discipline of the parish is put into their hands. If himself reform anything, it is out of the overflowing of his conscience; whereas they are to do it by command and by oath. Neither hath the place its dignity from the ecclesiastical laws only, since even by the common statute law they are taken for a kind of corporation, as being persons enabled by that name to take moveable goods or chattels, and to sue and to be sued at the law concerning such goods for the use and profit of their parish; and by the same law they are to levy penalties for negligence in resorting to church, or for disorderly carriage in time of divine service. Wherefore the parson suffers not the place to be vilified or debased by being cast on the lower rank of people; but invites and urges the best unto it, showing that they do not lose or go less, but gain by it; it being the greatest honour of this world to do GOD and His chosen service; or, as David says, 'to be' even 'a doorkeeper in the house of GOD.' Now the canons being the churchwardens' rule, the parson adviseth them to read or hear them read, often; as also the visitation articles which are founded upon the canons; that so they may know their duty, and keep their oath the better. In which regard, considering the great consequence of their place, and more, of their oath, he wisheth them by no means to spare any, though never so great; but if, after gentle and neighbourly admonitions, they still persist in ill, to present them: yea, though they be tenants, or otherwise engaged to the delinquent: for their obligation to GOD and their own soul is above any temporal tie. 'Do well and right, and let the world sink.'"

The principle of Church rate, with the yet deeper principle underlying it; the constitutional position of Church rate, with certain properties of it, certain chief excellences of its use and administration which are, so to speak, grouped around the principle, have thus been brought under review. If in any particular the connection of these latter things with Church rate appear to be new and strange, may it not be that in respect of this part of the subject, as in respect of the main question of abolition, the truth and the magnitude of the cause of Church rate are even now very imperfectly understood?

CHAP. III.

HISTORY OF CHURCH RATE DOWN TO TIME OF FIRST ASSAULT.

CHAP. III.

THE history of Church rate, in its philosophical aspect, is contemporaneous with the history of the Church: not of the Christian Church only, but of the Jewish also. Church rate, as it exists in England, is a particular development of the universal law of fixed provision for the maintenance of the houses of GOD and for the service of Divine worship, running side by side with the law of fixed provision for the clergy. This universal law is found in operation in all countries where GOD'S revealed will, as delivered to the Church, has been accepted by the governing power on behalf of the people as the national Faith.

A National Church, therefore, thus called into existence, implies and involves two things in respect of endowment: 1. Either the national guarantee of the provision previously set apart for the clergy, or, in default of any such, the supply of it out of the public resources; and 2. A like guarantee or supply of the provision for the means of Divine worship.

It has been attempted to draw distinctions between these two integral parts of a National Church: and no doubt there may be distinctions incident to their respective particular legal position in any country. But there is no substantial distinction between them, when regarded in their essential character; and they are in such sort linked together, as having their common

foundation in the same principle of a National Church, and as completing by their combination the idea of a National Church in respect of endowment, that any injury done to one of them weakens the position of the other, and the destruction of one makes the position of the other, in point of principle and argument, untenable. A National Church, without the national guarantee or supply of provision for its clergy, is a nullity; it has no proper existence. It is no less a nullity without the national guarantee or supply of provision for the means of Divine worship.

All that can be attempted in a work like the present is to trace a general outline of the history of Church rate; to gather from sources of undisputed authority and to unite in one the several links of the chain which connects our own case with the earliest times.

We find then in the first records of the Jewish Church: 1st. The ordinance of fixed provision "for the service of the tabernacle of the congregation." * 2nd. The ordinance of tithe.† This latter ordinance is a republication by direct command of GOD of the rule indicated, Genesis xiv. 19, and xxviii. 22. Both ordinances in their inseparable connection have been said, not without reason, to be, in their turn, a republication of that natural law which is the expression of the necessity of worship and service of a superior Being inherent in man's nature.‡ Both are sanctioned by our Blessed LORD.§

* Ex. xxx. 12–16, xxxviii. 25–31.

† Levit. xxvii. 30–33. Compare Num. xviii. 21–24; 2 Chron. xxxi. 5, 6, 12; Neh. xiii. 12; Mal. iii. 8, 10.

‡ Thomassin, "Vetus et Nova Disciplina," Part. III. lib. i. cap. i. De Beneficiis. Fol. Parisiis, 1688.

§ St. Matt. xvii. 24–27, xxiii. 23; St. Luke xi. 42. C. Hebr. vii. 6.

CHAP. III.

It would be out of place here to enter into the consideration of the peculiar feature of the first of these two ordinances, which is that the same sum was required of all, rich and poor, and was not to be added to or diminished from in any case. It may suffice to say that this fact is resolvable into the typical character of the payment. The thing to be here insisted upon is that in the Jewish Church one of its earliest ordinances makes fixed provision "for the service of the tabernacle of the congregation."

That the law of a fixed provision has at no time, either in the Jewish or in the Christian Church, been permitted to supersede, or has been any hindrance to, the voluntary offerings of the people, is very plain. Indeed, the precept of voluntary offering is prior in point of time*; and it is out of the voluntary offerings, thus enjoined and sanctioned, that the tabernacle was to be built. "And let *them* make Me a sanctuary, that I may dwell among them," Exodus xxv. 8. Thus it was that the extraordinary effort of raising the tabernacle in the first instance was to be provided for. In respect to the permanent and ordinary necessities, the fixed payment of half a shekel by every Israelite of twenty years old and upwards supplied what was required. This is the true relative position of voluntary effort and fixed provision. It is just what it is our privilege to possess in England. It is not "the voluntary system." It is the combination of voluntary effort, as special needs arise, with the national system of permanent legal provision. See Ch. II. pp. 23, 24; Ch. IX. p. 229–30.

It is to be observed that, in the Jewish Church, the

* Ex. xxv. 2: compare xxxv. 5, 21, and 1 Chron. xxix. 3, 5, 9, 14; Ezra ii. 68, iii. 5, vii. 16; Neh. xi. 2; 2 Cor. viii. 12, ix. 7.

principle of making voluntary offerings at all is matter of positive precept by their Divine King. Exodus xxv. 2: "Speak unto the children of Israel that they bring Me an offering: of every man that bringeth it willingly with his heart ye shall take My offering." The offering to GOD at all, "the free-will offering of a willing heart," is here matter of positive precept, as well as the nature of the offering—vv. 3, 4, 5, 6, 7 *—and the extent of it—xxxvi. 5, 6, 7. There is a remarkable instance of a voluntary offering made according to a common rule by the princes of the several tribes, Numbers vii. It would appear to indicate that the voluntary principle in the early Jewish Church was regulated, not in respect of its origin only, but also of its exercise, by positive precept.

The law of the Christian Church is of the same universal and imperative obligation. But the obligation is not derived from positive precept (though it be adverted to and insisted upon in many places of the New Testament), but from the thankfulness of the regenerated nature, confessing its inestimable gift in CHRIST. The kind of offering is nowhere prescribed; its extent is nowhere limited. The manner and means of it are left to be regulated according to the laws and rules of particular churches. But the principle is universal and imperative.

We know that from the very first constitution of the Church of CHRIST upon the day of Pentecost its general necessities were provided for by voluntary gifts. "As many as were possessors of lands or houses sold them and brought the prices of the things that were sold and laid them down at the apostles' feet; and dis-

* Compare xxxv. 5–29.

CHAP. III.

tribution was made unto every man according as he had need." *

During the first two centuries, the system of general contribution of money and other offerings appears to have supplied the necessities of the Church, and there is little trace of the possession of lands or other permanent property. But there is a rescript of the Emperor Alexander Severus in which he decided a dispute touching land in favour of the Church: the words are these: —

"Inasmuch as the Christians had taken possession of a certain piece of ground which had been open to the public, and the tavern-keepers of the place alleged that it ought to be theirs, the Emperor's rescript was that it was better that the place be applied to the worship of GOD, under whatever form, than that it should be at the disposal of the tavern-keepers." †

It appears, however, to be certain that, before the reign of Constantine, the Church was in acknowledged possession of lands and houses. There is a law of Constantine, quoted by Eusebius in his Life of the Emperor ‡, which orders the restitution to the Church of the houses, premises, lands, and gardens of which it had been despoiled in the persecutions. "We enjoin therefore and command that all things be restored to the Church of which the Church shall appear to be the rightful owner; that is to say, houses, premises, lands, gardens, and all other property: without prejudice

* Acts iv. 34, 35, also 36, 37; compare ii. 45.

† Thomassin, "Vetus et Nova Disciplina: De Beneficiis," Part. III. lib. i. c. ii. sec. xi. p. 8: "Cum Christiani quendam locum, qui publicus fuerat, occupassent: contra popinarii dicerent sibi eum deberi, rescripsit melius esse, ut quomodocumque illic DEUS colatur, quam popinariis dedatur."

‡ Lib. ii. c. 39.

always to the rights of our dominion, and with due regard to public security."*

The conversion of Constantine was attended with a very large increase of the possessions of the Church. The general supervision of the administration of the whole remained in the hands of the bishop.

It is not till Century V. that we have any distinct mention of the quadripartite distribution of the revenues of the Church,—

1. For the bishop.
2. For the repairs of churches.
3. For the poor.
4. For the clergy.

Though such distribution appears to have prevailed in practice long before.

Thomassin says "It is not easy to say with any certainty at what precise period the quadripartite distribution of the revenues of the Church — 1, for the bishop; 2, for the repairs of churches; 3, for the poor; 4, for the clergy — was instituted by authority of the canons. For although the appropriation of these revenues during the three, or perhaps the four, centuries preceding the fifth was in fact the same as under the distribution, no canon had hitherto either enjoined or made any reference to the fourfold division as a thing established. No one, I think, touches upon it till we come to Pope Simplicius, A. D. 468, though he speaks of it as a thing already in very general use." †

* Part. III. lib. i. cap. iii. sec. iii. p. 9: "Omnia ergo quæ ad ecclesias recte visa fuerint pertinere, sive domus ac possessio sit, sive agri, sive horti, seu quæcumque alia, nullo jure quod ad dominium pertinet imminuto, sed salvis omnibus atque integris manentibus, restitui jubemus."

† Part. III. lib. ii. cap. xiii. sec. i. p. 312: "Non facile est defi-

CHAP. III.

"It is therefore most probable that it was not till Century V. that the fourfold distribution was formally established."*

"And this in respect of the Latin Church only."†

The quadripartite division is sometimes spoken of as tripartite; but this belongs to a later date.

"The bishops' capitular (an. 801) enjoins a threefold division of tithes. 1. For the church. 2. For the poor. 3. For the clergy. 'Let the priests, according to the canon, divide the tithes into three portions in the presence of witnesses. The first part to be assigned to the furnishing of the church, the second to the relief of the poor and of strangers; the third part let the priests allot among themselves.' "‡

"The fourth portion, reserved for the bishop, and to be dispensed by the parish priest at the bishop's pleasure, was always expended upon the necessary uses of the parish, except in cases where the revenues of the bishop or of the cathedral church were in difficulty.

nire, quo certissime tempore instituta sit distributio illa canonica et quadripartita redituum ecclesiæ in episcopum, in sarta tecta, in pauperes et in clerum. Etsi enim usus idem esset eorum tribus vel quatuor etiam prioribus sæculis, nulli tamen adhuc canones illam aut præceperant, aut commemoraverant in quatuor partes sectionem. Non alius ferè ante Simplicium Papam illam attigit, quanquam de ea ille, ut de re usitatissima, verba faciat."

* Sec. v. p. 313: "Simillimum ergo veri est, locum non fuisse quadripartitæ illi distributioni, nisi quinto demum sæculo."

† Sec. viii. p. 313: "Et quidem in ecclesia tantum Latina."

‡ Part. III. lib. ii. cap. xviii. sec. vi. p. 325: "Capitulare episcoporum anni 801 tripartito distribui jubet decimas in ecclesiam, in pauperes, et in clerum. 'Sacerdotes decimas secundum authoritatem canonicam dividant coram testibus. Et ad ornamentum ecclesiæ primam eligant partem, secundam autem ad usum pauperum vel peregrinorum, tertiam sibimetipsis soli sacerdotes dispensent.' "[1]

[1] Baluz. Capitul. tom. i. p. 367. Conc. Gall. tom. ii. p. 259.

"But as the examples of this ground of exception were very rare, it resulted that we have, here and there, three divisions only specified instead of four." *

The next step to notice is the process by which Church property came to be devised to the laity, out of which devise first arose the legal obligation upon laity to repair churches.

The administration of the quadripartite distribution of the revenues of the Church, which had been in the bishop, appears to have passed into the hands of the parish priest before Century IX. The system had become so vast and complicated that it was found necessary to administer it more in detail; and the division into parishes being at once the most important and the most convenient, the parish priest became administrator of all accruing within the limits of his own parish.

Thomassin gives an account of three conditions of Church property, which, by removing it from the direct administration of the bishop, contributed to this result.

"The first account of this state of things is this: that the clergy had to a considerable extent become endowed by the act of the bishop with right of property in Church lands, as their benefice.

"The second is, that very many of the bishops had made large grants out of the estates of the Church in their several dioceses to conventual bodies.

"The third is, that in many instances Church lands

* Sec. vii.: "Quarta hæc portio episcopo servata, et a parocho dispensanda ex præscripto episcopi, expendebatur semper in usus et necessitates parochiæ ipsius, nisi episcopi et ecclesiæ cathedralis res in arcto essent. Cum rarissimum id porro esset, hinc est quod alibi tres tantum commemorantur portiones, non quatuor."

CHAP. III.

had been solemnly dedicated and set apart for repair of churches." *

It was out of the third of these three dispositions of Church property that the obligation upon laity to repair churches first accrued in a formal shape. The lands which were set apart especially for repair of churches were devised in many cases to laity with the condition of repair annexed.

"All persons who held Church lands on a beneficial or feudal tenure had the burden imposed upon them of repairing the church, and even of rebuilding it when in ruin."

He then quotes two canons of councils, which do not however appear to go quite the length of the above extract.

"If any man have a beneficial interest in Church property, we will that he assist in repairing, or if need be in building, the church."

Upon this he says:—

"This was the decree of the Sixth Council of Arles, A. D. 813. The Council of Moguntum of the same year has a similar decree. The Third Council of Tours plainly implies the same." †

* Part. III. lib. ii. cap. xix. sec. i. p. 326: "Prima autem ea est ratio, quod plurium jam fundorum usufructu donati essent clerici ab episcopo in titulum beneficii. Altera est, quod episcopi complures canonicorum congregationibus communem agitantibus vitam bene multa largiti essent ecclesiæ suæ latifundia. Tertia est, quod et fundi essent jam non pauci in ecclesiarum reparationes consecrati."

† Part. III. lib. ii. cap. xxii. sec. i. p. 332 [1]: "Ecclesiæ beneficiis sive feudis qui donabantur, illis id oneris imponebatur, ut

[1] In the summary prefixed to the chapter it stands thus: "Laici quibus beneficiario jure collati fuerant fundi ecclesiæ, majoribus et minoribus obnoxii erant reparationibus."

Thus far the outline of the general rule of the canon law, and of the practice of the Church at large, in respect of repairs of churches, has been traced.

We now turn to England, and find it thus stated by Gregory the Great in his instructions to St. Augustine: —

"It is the custom of the Apostolic See to lay the following injunction upon those who are consecrated bishops: that the entire revenues of their diocese be divided into four parts. That is to say, one for the bishop and his household, for the uses of hospitality and education of orphans; a second for the clergy; a third for the poor; a fourth for the repairs of churches."

He then adds the expression of his desire that Augustine should revert, in making arrangements for the Church in England, to the original rule of having all things common.

"But, inasmuch as your brotherhood, according to the teaching of the monastic rule, cannot rightly live apart from the clergy dependent upon it, it will be its duty to establish from the outset in the Church of England that manner of life which was adopted by the fathers

ecclesias repararent, et restaurarent etiam collapsas. 'Ut si quis beneficium de rebus ecclesiæ habet, ad tecta ejusdem ecclesiæ restauranda, vel ad ipsas ecclesias ædificandas omnino adjuvet.' Ita decrevit Concilium Arelatense VI. anno 813.[1] Idem constituit et Concilium Moguntinum ejusdem anni:

"'Quicumque beneficium ecclesiasticum habent, ad tecta ecclesiæ restauranda, vel ipsas ecclesias emendandas omnino adjuvent, et nonam et decimam reddant.' Idem aperte insinuat Concilium Turonense III."[2]

[1] Can. 25.

[2] Can. 42. Capit. l. 5. c. 92. Can. 46.

CHAP. III.

of the Church in the earliest times, when no man of them 'said that aught of the things that he possessed was his own, but they had all things common.'" * (Acts iv. 32.)

How far this precept became the rule in England in respect of Church property in general, it is not within the limits of this work to inquire. The whole question has been very ably discussed in an essay by the present Archdeacon of London. The conclusion is that neither the quadripartite nor the tripartite distribution of tithes prevailed at any time in England. In an Appendix to Part II. of the essay the conclusion is extended to Ireland.†

The main points before us are two. 1st. Does the canon law itself contemplate exception by custom of place or country from its general rule, which lays the burden of repair of churches upon one fourth part of the revenues of the Church, and assign, by way of such exception, such burden to the parishioners generally?

* Part. III. lib. ii. cap. xv. sec. ix. p. 316: "Mos apostolicæ sedis est, ordinatis episcopis præceptum tradere, ut de omni stipendio quod accedit, quatuor fieri debeant portiones. Una videlicet episcopo ac familiæ ejus, propter hospitalitatem et susceptionem. Alia clero. Tertia vero pauperibus. Quarta ecclesiis reparandis. Sed quia tua fraternitas monasterii regulis erudita, seorsum vivere non debet a clericis suis: in ecclesia Anglorum hanc instituere conversationem, quæ initio nascentis ecclesiæ fuit patribus nostris, in quibus nullus eorum ex his quæ possidebat, aliquid suum esse dicebat, sed erant illis omnia communia." [1]

† "An Essay on the supposed Existence of a Quadripartite and Tripartite Division of Tithes in England, for maintaining the Clergy, the Poor, and the Fabric of the Church," by the Rev. W. Hale Hale, Prebendary of St. Paul's, Preacher of the Charterhouse, and Chaplain to the Lord Bishop of London, 2nd ed. London: 1837. The Essay appears to have been originally published in 1833.

[1] L. 12, ep. 31.

2nd. Does it appear that, at a very early date, such exception prevailed in England, in respect of all parts of the parish churches except the chancel, in such sort and to such extent as to become the universal rule?

The answer to both these questions is in the affirmative.

In respect to No. 1 it appears —

1st. From canons of Councils:

"We will that the bishops procure the churches to be repaired out of the produce and the revenues of every kind, and in whatever manner, pertaining to the said churches; and if these funds be not sufficient we will that they use all fitting remedies to enforce upon all patrons and others who derive any income from the said churches, *and in their default upon the parishioners generally*, the providing for the repairs aforesaid." * — *Council of Trent*, Sess. 21, c. 7.

So far the burden laid upon the parishioners in general is only by way of supplement of the regular resources of the Church. But a little later we find in the records of two councils in two successive years reference to the *custom* of the burden of repair of the church, and in some cases of the chancel, being laid upon the people, as in the case of the parish churches of the city of London.†

* Part. III. lib. ii. cap. xxxvii. sec. viii. p. 392: "Parochiales ecclesias restaurari procurent ex fructibus et proventibus quibuscumque ad easdem ecclesias quomodocumque pertinentibus; qui si non fuerint sufficientes, omnes patronos et alios qui fructus aliquos ex dictis ecclesiis provenientes percipiunt, aut, in illorum defectum, parochianos, omnibus remediis opportunis ad prædicta cogant." [1]

† There is no doubt that by custom the obligation to repair the

[1] Sess. 21, c. 7, Concil. Trident.

CHAP. III.

"In the year 1565, in the Council of Cambray it was decreed that the burden of the repairs of the choir fall upon those who receive the tithes, their not being patrons notwithstanding. *But this was to be without prejudice to the custom of those places in which by prescription the repairs, not of the nave only but also of the choir, are at the charge of the people.*"*

"In the Council of Toledo (an. 1566) it was decreed

chancel may be thrown upon the parishioners; as matter of fact, such obligation exists in various parishes. The obligation was recognised as legal in the case reported in the Arches' Court, February 13th, 1833, Gibson and another *v.* Bishop of Ely.

The original suit was in the Consistorial Court of Norwich, by churchwardens of the parish of Clare against Bishop of Ely, to compel him as impropriator of part of the great tithes to repair the chancel.

The ground of defence was that it had been the custom of the parish that the charge of repairing the chancel had been defrayed by the parishioners.

On the suit being moved into the Arches' Court, a prohibition was granted to try the question of the custom in the temporal Court.

The verdict of the jury in the Court of Common Pleas was to the following effect:

That from time whereof the memory of men runneth not to the contrary, there hath been a certain ancient and laudable custom for the parishioners of the said parish of Clare to repair the chancel of the church as often as occasion required.

Dr. Lushington and Dr. Phillimore urged against the custom, the general law laying the burden of repair of the chancel on the rector.

Sir John Nicoll gave judgment for the custom, dismissed the bishop from the suit, and gave him the costs in both Courts.

* Part III. lib. ii. cap. xxxvii. sec. viii. p. 392: "Anno 1565, in Concilio Cameracensi statutum est, chori reparationum onus illis incumbere, qui decimas percipiunt, etsi patroni non essent. Illæsa tamen eorum consuetudine locorum, ubi vel chori reparationes populo præscribuntur."[1]

[1] Tit. xvi. c. 8, 9.

that such parish churches as receive no portion of tithes set apart for repairs, nor possess any revenues from other sources which may fitly be applied to that purpose, be repaired either out of tithes assigned to them by the bishop according to the precedent of neighbouring churches, or out of a fund to be raised in common by all who receive tithes: *unless it were already established by the custom and practice of the place that the repair be made at the charge of the parishioners, or any others.*" *

"By the edict of Basle the bishops are required to use their diligence in respect of the repairs of parish churches, the carrying out of any order which they should make in this behalf to be in the jurisdiction of the King's courts, which shall take care that the necessary expenses be defrayed, *either by the parishioners* or by the parish priests; and, if need be, the money be levied by distress upon their goods according to the amount imposed upon each by the bishop." †

* Part. III. lib. ii. cap. xxxvii. sec. viii. p. 392: "In Concilio Toletano anni 1566, statutum est, ut ecclesiæ parochiales, quæ nullam attingunt portionem decimarum reparationibus addictarum, nec idoneos habent alioqui ad id proventus, repararentur aut ex decimis, quas eis episcopus assignaret, exemplo vicinarum ecclesiarum: vel ex collatitio ære omnium decimas accipientium; nisi more id jam usuque obtineret, ut parochianorum sumptu, vel aliorum quorumcumque, fierent reparationes." [1]

† Part. III. lib. ii. cap. xxxvii. sec. x. p. 393: "Edicto Blesensi præcipiuntur episcopi, in perlustrandis parochiis, reparationibus ecclesiarum parochialium curam impendere, quodque ipsi sanxerint, id executioni mandari, ut regii judices curent, ut exigantur necessarii etiam sumptus, vel ex parochianis, vel ex parochis, captione etiam temporalium, pro portione expensarum ipsis ab episcopo indicta." [2]

[1] Can. 17.

[2] Art. 42.

CHAP. III.

2nd. From the Legatine Constitutions:

"The Constitution of Cardinal Othobon*, quoted by Lindwood, under the head 'Of Repairing the Fabrics of Churches:'—

"We require also, as we have said above, that they (the bishops) take care that the chancels of churches be kept in repair by those who are charged with such repair."†

Upon this Lindwood has this gloss:—

"By the common law of the Church the building or repairing of churches belongs to this day to the rector, under precept from and with supervision by the bishop, wheresoever, within his jurisdiction, the fourth part of the Church's revenues assigned for repair of churches is transferred from the bishop to the rector; so that he who receives this fourth part is bound to repair the church. So that by the common law of the Church the people are not bound to such repair. Nevertheless there is no doubt that by custom the lay parishioners are under obligation to such repair. The lay people therefore are bound to observe this *laudabilis consuetudo*."‡

* Afterwards Adrian V., A.D. 1276.

† Constitutio Domini Othoboni, apud Lindwood, De Domibus Ecclesiarum reficiendis, tit. xvii. p. 113: "Cancellos etiam ecclesiæ per eos, qui ad hoc tenentur, refici faciant, ut superius est expressum."

‡ "De jure communi fabrica seu reparatio ecclesiæ pertinet hodie ad rectorem, juxta ordinationem et solicitudinem episcopi; cum sub ipso sit translata illa quarta fabricæ ecclesiæ debita in ipsum rectorem: ita quod ille debet reparare ecclesiam, qui habet hujusmodi quartam. Ita quod laici de jure cōmuni ad hoc nō compellātur. Sed certe de consuetudine parochiani etiam laici ad hujusmodi reparationem cōpelluntur; populus itaque laicus hujusmodi laudabilem consuetudinem cogitur observare."—*Lindwood.*

3rd. From the Provincial Constitutions, Book I. tit. x. p. 53. Concerning the Office of the Archdeacon.*

"This repair, by the common law of the Church, attaches to him who is in possession of the fourth part of the revenues of the Church, which from ancient times hath been assigned for the purposes of such repair; and so, by the said common law, it attaches to the rector who hath such fourth part, and not to the parishioners.

"But custom hath transferred the burden of the repairing of the nave of the church, and in some cases of the chancel also, to the parishioners, as is abundantly clear in many instances of churches in the city of London. And wheresoever such custom exists the parishioners may be compelled to observe it."†

Thomassin sums up the case in the words following: —

"It would appear, therefore, that although great efforts were made for some considerable time that a fourth part of the revenues of the Church should be distinctly devoted to repairs of churches, this provision had all along been held to apply rather to the cathedral than to the parish churches.

"*It is, at least, beyond all dispute that in the case of*

* Provincialis Gulielmi Lindwood, De Officio Archidiaconi, lib. i. tit. x. p. 53: "Ecclesiarum reparationi debite archidiaconus invigilet."

† "Reparationi. Hæc reparatio de jure communi pertinet ad eum, qui recipit quartam illam, quæ ab antiquo assignata est fabricæ ecclesiæ. Et sic de jure communi pertinet ad rectorem, qui habet ipsam quartam, non autem ad parochianos. Consuetudo tamen transfert onus reparationis, saltem navis ecclesiæ, in parochianos, et similiter cancelli quandoque, sicut satis constat in civitate Londinensi in multis ecclesiis. Et hanc consuetudinem servare debent compelli parochiani, ubi talis est consuetudo."

CHAP. III.

very many of the parish churches the continually recurring expenses of repairs were thrown upon the parishioners." *

These words of Thomassin contain the explanation of much of the confusion which has been imported into this controversy touching the second of the two questions before us, viz., *Does it appear that, at a very early date, the exception thus contemplated and provided for by the canon law prevailed in England in respect of all parts of the parish churches except the chancel, in such sort and to such extent as to become the universal rule?*

The confusion adverted to has arisen from the not having observed the distinction between the cathedral and the conventual churches on the one hand, and the parish churches on the other, coupled with the fact that the first two were prior to the other in point of time.

Thus the anti-Church-rate writer finds that in Anglo-Saxon times the possessors of Church lands, and not the people generally, were charged with the repairs of churches. He is probably right, *if he be careful to include among "possessors of Church lands" all laymen to whom these had been devised.* But he forgets, or puts out of sight, that these "churches" were not parish churches, but cathedral and conventual churches, touching the liability to repair which there has at no time been any controversy. In fact, it is by no means clear that, at the time under discussion, there were

* Part. III. lib. ii. cap. xxxvi. sec. v. p. 391: "Quanquam ergo desudatum esset aliquandiu, ut quarta pars proventuum ecclesiæ sartis tectis templorum dedicaretur, provisum forte magis eo fuerat cathedralibus, quam parochialibus ecclesiis ruris. Extra controversiam saltem illud est, complures harum fuisse, quarum restaurationis expensæ semper novæ in parochianos refunderentur."

any parish churches at all.* But, so soon as a parish church was either built "de novo," or enlarged by the addition of a nave to a chancel previously existing, it would seem to be the only reasonable account, as being that which is most consonant to all the evidence, that the laity, by whom and for whom the church had been built or enlarged, became chargeable with the repairs.

Let it be granted then that the law of Ina, A.D. 696, with other Anglo-Saxon authorities, and their basis in British tradition, which are commonly adduced in support of our Church rate, do not strictly apply to it; let it be granted that the "Cyric sceat" or "Church shot" is not identical with our Church rate, though high authorities demur to the admission†: the fact remains,

* But Selden says: About the year 700 A.D. the Saxons in large districts founded churches for themselves and for their tenants, which was the original of the parish churches.—De Decimis, 259, c. ix. sec. iv. Quoted in Comyn's Digest of Laws of England, vol. iii. p. 601. Hammond's ed. London: 1822.

† "The laws of Ina, A.D. 696, record also England's earliest known enactment for supplying the exigencies of public worship, anciently provided for by oblation upon the altar. When whole communities became Christian, such contributions would not only be precarious, but also often most unfairly levied (*qu?*). Ina's legislature wisely commuted voluntary offerings for a regular assessment upon houses. Every dwelling was to be valued at Christmas; and the rate so imposed, called Church shot, was payable at the following Martinmas. Money being scarce, the payment was made in produce, usually in grain or seed, but sometimes in poultry. Defaulters were to be fined forty shillings, and to pay the Church shot twelvefold."[1]

"This pious care of Divine ministration may be considered as the legal origin of Church rates. Thus, earlier than almost any of English written laws, appears on record a legislative provision for

[1] LL. Inæ iv. 10. Spelman, i. 184, 185. Wilkins, i. 59. Johan. sub an. 693.

CHAP. III.

that all the evidence we possess goes to show that as soon as parish churches were built in England consisting of chancel and nave, the latter was, as a settled rule, kept in repair at the charges of the parishioners.

This is placed beyond all reasonable dispute by the law of Canute, A.D. 1021, and is very clearly stated in the words of an eminent defender of Church rate *, published in 1837: —

"The law of Canute † places the existence of con-

the due performance of holy offices. It is true that Ina's laws were only legally binding within the limits of his own dominion, but such of them, probably, as bore upon religion were soon admitted by usage or express enactment in every petty state around. Church shot, accordingly, makes repeated appearance among Anglo-Saxon legislative acts. Of these the latest even is far anterior to any muniment producible by a private family." [1]

"In a different series of Canute's laws is one proving the reparation of churches to have been a burden imposed by the legislature upon property generally, and not exclusively upon the tithe. All people (it is declared) are bound of right to assist in repairing the church." [2]

Johnson has appended (sub an. 1018) the following note to his translation: —

"This law (which is omitted by Spelman) shows that the reparation of churches was devolved upon the people sooner than is commonly thought." The preamble states that the body of statutes in which this occurs was enacted in a Witenagemot holden at Winchester at Christmas. It is said that Canute "decreed with his senators' advice." (Lamb. 97.) He seems to have held a legislative council at Winchester an. 1021.[3]

* The present Archdeacon of London.

† "Ad refectionem ecclesiæ debet omnis populus secundum rectum subvenire." Thorpe's "Ancient Laws and Institutes of England," vol. i. p. 410, vol. ii. p. 548.

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[1] Soames' "Anglo-Saxon Church," 3rd. ed. 8vo. London, 1844, p. 92.

[2] LL. Canuti, 63. Lambarde, "De Priscis Anglorum Legibus," Cantab. 1644, p. 121.

[3] Ibid. p. 231.

tribution on the part of the people at as early a period as 1030 beyond a doubt. It is mere shuffling to say that our present law of Church rate derives no support from it, because, when the law lays the burden upon the people, it does not say 'how they were to assist it,' or in what proportions they were to contribute to it. That they were to 'assist' is certain, and that is all that any man can be supposed to mean when he says that Church rates are as old as the time of Canute, and that they have existed for 800 years.

"I suppose there is no one who will deny that those burdens which the people of England now bear in the repair of county bridges and parish roads, are a national burden; still less will any one deny that the origin of the burden as now borne is to be traced to what is termed the 'trinoda necessitas,'—Bricbote, bridge repair; Burghbote, town or castle repair; and Fyrd, or military service. I need not here inquire into the extreme antiquity of these public duties; suffice it now to point out as a circumstance remarkably attesting what I may call the nationality of the duty of Church repair in the time of Canute, that the law of Canute which recognises it as the duty of the people to contribute to 'Cyricbote,' or Church repair, follows immediately the law for enforcing the Bricbote, Burghbote, and Fyrd; the difference between them being this, that whereas those duties are enforced under penalty, the duty of Cyricbote is simply asserted as one of right.* I cannot therefore but think that we are justified in stating that though county rates and Church rates may, even from the time of Canute, have been rates of a character differing from each other as

* But see the letter of Canute below; quoted by Lingard, vol. i. p. 316, 8vo. 1849. A.D. 1026.

CHAP. III.

to the authority by which they were enforced, the latter being rather of ecclesiastical than of temporal cognisance, they have yet been recognised from the time of that monarch as burdens upon the people of equal obligation, and to which all men in the eye of the law were equally bound." *

The concluding sentence of the letter of Canute, written on his return from Rome, A.D. 1026, is as follows: —

"Lastly, I entreat all my bishops and all the sheriffs, by the fidelity which they owe to me and to GOD, that the Church dues, *according to the ancient laws*, may be paid before my return; namely, the plough alms, the tithes of cattle of the present year, the Peter pence, the tithe of fruit in the middle of August, *and the kirk shot at the feast of St. Martin's to the parish church.* Should this be omitted, at my return I will punish the offender by exacting the whole fine appointed by law. Fare ye well." †

There are two points principally to be noted in this extract: 1. That the *kirk shot* is said to be due to the *parish* church. 2. That the liability is not only affirmed as one of right, but also as matter of enforcement by legal penalty.

The law of Canute being thus taken as the basis of the legal obligation upon the parishioners to repair the nave of the parish church; it is to be observed in the next

* The antiquity of the Church rate system considered in reply to a pamphlet, entitled "A few Historical Remarks upon the supposed Antiquity of Church Rates and the Threefold Division of Tithes, by a Lay Member of the Church of England, and printed for the Reform Association, 3 Cleveland Row." By William Hale Hale, M.A., Prebendary of St. Paul's, Preacher of the Charter House, and Chaplain to the Lord Bishop of London.

† Spelman, Concil. 537.

place that there is abundance of evidence to show that the custom of parishes was in agreement with that law, and that there is no evidence the other way.

The first class of proof, prior to the Statute "circumspecte agatis," 13 Edward I., A.D. 1285, consists of the endowments of vicarages, which, in adjusting the respective burdens of rectors and vicars, speak of no other repair than that of the chancel.*

The next class consists of Episcopal constitutions. In the constitution of William De Kirkham, Bishop of Durham, 1255, there is a plain intimation that the law had already limited the duty of repairs to be performed by rectors or vicars. These are "to provide with care, or *so far as they are liable*, for the fabrics of their churches," — "attente provideant, *aut quantum ad eos pertinet.*

In the constitution of Ægidius, Bishop of Salisbury, A.D. 1256, the repair of the choir by the parson, and the repair of the rest of the church by the parishioners, is spoken of as a duty of obligation on both parties.

The annals of the following year supply some remarkable evidence.

In a provincial council held at London under Archbishop Boniface, 1257, fifty articles were exhibited. Amongst them is one relating to the repairs of churches, which asserts the right of the Ecclesiastical Courts to compel the parishioners to repair, and complains of the royal prohibition being frequently exercised to the injury of this jurisdiction.

This brings us down nearly to the time of the Statute, A.D. 1285, "circumspecte agatis," the purport of which is to restrain the use of such prohibition as

* This and the four paragraphs following are abridged from the pamphlet of the Archdeacon of London, above quoted.

CHAP. III.

against the exercise of ecclesiastical jurisdiction in certain particulars, among which the Statute specifies the repair and furnishing of churches and the proper fencing of churchyards.

The obligation upon the parishioners to repair thus recognised, and placed beyond all reasonable dispute, is the law of England to this day.

The general principle of obligation to repair, as has been already shown, lies very deep. A natural question arises, whether any reasonable account can be given of the particular development of that principle in England, where what is the exception in other countries of Western Europe has there, for at least 800 years, become the rule.

It appears to the writer that such account may be found in the fact of the prevalence from very early times of the principle and practice of local government in England. According to these, the charge and the care of those of the National Institutions which, in their primary application, are of local use and benefit, devolve upon the inhabitants of each place as having the nearest interest in the preservation of them. For it is out of the special interest that two things appear materially to flow: —

1. That the inhabitants of each place defray the cost of maintaining, in and for that place, the national institutions here instanced.

2. That, so defraying the cost, they administer the funds, and that they be not interfered with by central authority, except in clear cases of abuse or neglect.

It is true that in that particular of local government which is concerned immediately with Divine worship, the interests involved are so great that the

constitution in Church and State provides for the annual inquiry into, and supervision of, the exercise of the principle of local government by the visiting Ordinaries of the Church. But it need hardly be said that the inquiry and supervision is best conducted by way of advice and persuasion, and moral, rather than compulsory, control. In a word, as has been noticed, Ch. II. pp. 28, 29, "Church rate implies, and is an instance of local government, and this, in respect of matters which touch men very nearly. Again it is an instance of good local government." The system is in its best and happiest state when it requires nothing to complete and insure its working which is outside the limits of the parish itself.

Before we pass on to trace the outline of the history of Church rate subsequent to A.D. 1285, there is one point belonging both to the period before that date and after it, which requires to be noticed in this place.

With respect to the obligation upon parishioners to repair the nave of the church, and to fence the churchyard, it is beyond all dispute that it is a common law obligation. How far the obligation upon parishioners to provide the things necessary for Divine worship is also a common law obligation, is the question. That the obligation now under review is: —

1. A reasonable obligation.
2. That it has prevailed very generally for at least some six hundred years.
3. That it is matter of canonical injunction at least as early as A.D. 1250.*
4. That it has been confirmed by statute law.

* Provincialis Gulielmi Lindwood, De Ecclesiis ædificandis,

CHAP. III.

5. That it has become in practice so identified with the obligation to repair, that those who are for abolishing the rate make no distinction between the two, and those who are for maintaining the rate are very gene-

lib. iii. tit. xxvii. p. 251: "In ecclesiis parochialibus omnis supellex rei Divinæ aut parochiali opportuna hic annotata reperiatur.

"Robertus Winchelsey, Arch. Cantuar. A. D. 1305.[1]

"Ut parochiani ecclesiarum singularum nostræ Cantuariensis provinciæ sint de cætero certiores de defectibus ipsos contingentibus, ne inter rectores et ipsos ambiguitas generetur temporibus successivis, volumus de cætero, et præcipimus, quod teneantur invenire omnia inferius annotata, viz. legendam, antiphonarium, gradale, psalteriū, troperium, ordinale, missale, manuale, calicē, vestimētū principale cū casula, dalmatica tunica, et cū capa in choro cū omnibus suis appēdiciis, frōtale ad magnum altare cum tribus tuellis, tria superpellicia, unum rochetum, crucē processionalē, crucē pro mortuis, thuribulum, lucernam, tintīnabulū ad deferendū corā corpore Christi in visitatione infirmorum, pyxidem pro corpore Christi, honestū velum, quadragesimale, vexilla pro rogationibus, campanas cum chordis, feretrum pro defunctis, vas pro aqua benedicta, osculatorium, candelabrum pro cereo Paschali, fontem cum serura, imagines in ecclesia, imaginem principalem in cancello, clausuram cœmeterii, reparationē navis ecclesiæ interius et exterius, tam in imaginibus quam in fenestris vitreis; reparationem librorum et vestimentorum, quandocunque contigerit eadem reparationibus indigere. Cætera autem omnia tam in reparatione cancelli quam in aliis hic non expressis, secundum diversas consuetudines approbatas a locorum rectoribus et vicariis, seu ad quos pertinent, habent in omnibus reparari sumptibus eorundem."

Here the provision of books and vestments, &c., with the necessary repair of both, is enjoined and prescribed to the parishioners, together with the providing the font, the fencing of the churchyard, and the repair of the outside and the inside of the nave.

And the purpose of the injunction is stated to be that doubts may be cleared, and occasions of dispute between rectors and parishioners removed.

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[1] See the reference below to the Constitution of Walter Gray, Archbishop of York, A.D. 1250, p. 64.

rally persuaded that it is not advisable to disturb the connection so established.*

All these are points which do not appear to admit of reasonable dispute.

But the question still remains, how far the obligation to provide things necessary to Divine worship is an obligation the same in kind and resting upon the same principle with the obligation to repair the nave and to fence the churchyard.

Now it does not seem difficult to see how it happened that the providing of books and vestments at the charges of the parish should have become the rule at a somewhat later period than the providing for the repair of the fabric and the fencing of the churchyard.

The chancel of the parish church was the part first built; in many cases, doubtless, the only part for many years.

In the chancel, even after the addition of the nave, the whole service was conducted.

As these two elements of the parochial condition gradually disappeared, it came to pass by a very natural

* As these pages were passing through the press, the writer had placed in his hands a printed letter addressed by the Lord Bishop of Exeter to the Archdeacons of his Diocese, dated January 19th, 1861, in which the Bishop suggests the "retaining of Church rates as the legal instrument of providing for the maintenance of the sacred edifices and churchyards, even if the special services of the Church were no longer insisted upon."

The writer is bound to express his regret that a proposal which appears to him to involve large and dangerous issues in respect both of the ecclesiastical and the corporate character of parishes; which is open to the objection common alike to all plans of compromise, no less than to an uncompromising resistance, viz. that it cannot meet or satisfy the agitation; and which has never found favour on those occasions when it has been mentioned in Parliament, should, at this juncture, have received the sanction of so high authority.

AP. I. process that those for whose benefit Divine worship was conducted began to defray the necessary charges for its decent order and arrangement.

We may therefore easily understand how it is that we find so many instances in the records of endowments of the charge for the books and vestments being laid upon the rector, together with the repair of the chancel: *e. g.* in the "Registrum Roffense," there are numerous cases in which the deed of institution specifies the liability of the rector to provide for the "ornaments, books, vestments, lights, with the repairing the books and the washing of the vestments." These documents range over a period from 1292 to 1538 A.D.

On the other hand, the constitutions of archbishops and bishops which define with great precision what are charges in respect of the church upon the rector, and what upon the parishioners, and which include under the latter head all things necessary to the performance of Divine Service, are of a very early date, and are manifestly, from the terms employed, not the enunciation of any new principle, but only the regulation, with the view of preventing any doubt or dispute in particular cases, of what was the ordinary practice at the time.

One of these constitutions, that of Robert Winchelsea, Archbishop of Canterbury, A.D. 1305, has been already quoted. There are two still earlier: one of Walter Gray, Archbishop of York, A.D. 1250, and one of John Peckham, Archbishop of Canterbury, A.D. 1280. They may be seen at length in Wilkins's "Concilia." Another of a yet earlier date, A.D. 1227, and applying to the Church of Scotland, will be found in the appendix to this chapter.

Upon the whole, the reasonable inference would

appear to be that it has been the custom of England from the earliest times, that the parishioners provide the books, vestments, &c., no less than that they repair the fabric; and that the instances which are found of a contrary practice are only exceptional.

The recognition of the custom in later times by statute law is placed beyond a doubt.

There is, first, the Rubric in "the Order of the Administration of the LORD'S Supper, or Holy Communion," which states that "the bread and wine shall be provided by the curate and the churchwardens at the charges of the parish."

Then there is the act of 4 and 5 William and Mary, of which the title is "An Act to make Parishioners of a Church united contribute to the Repairs and Ornaments of the Church to whom the Union is made."

This act recites Car. II. 17, c. ii. iii. "For Uniting of Churches in Cities and Towns corporate."

The act of Charles appears to have omitted to make any provision about the Church rate to be levied in the parish annexed; and the act of William and Mary supplies the omission, and states that the support of the Church shall be at the joint charge of both the parishes united, as the Ordinary shall direct.

It remains to be seen in what manner the principle and practice of Church rate, thus recognised as part of the common law and use of England, has been regarded and dealt with by the legislature and the people, nonconformists as well as Churchmen, from the year 1285 down to the year 1833, which is the date of the commencement of the assault.

Following the order of time, we come upon a case in the Court of Common Pleas, A.D. 1370. The case may be seen stated at length in the supplement to the

CHAP. III.

Address of the Archdeacon of London to the clergy of the Archdeaconry, at his annual visitation, May 23rd, 1860, on the subject of Church rates. At page 21 of the Address, the Archdeacon says:—"The judges appear to have admitted these general principles, that the parishioners have a right to rate themselves for the repair of their church, as they have a right to do for the repair of a road or a bridge. That the collector appointed by the parish had a right to distrain *, and that recourse need not be had to the Ecclesiastical Court to compel the payment."

The next point to notice are two passages in the "Reformatio Legum," which is described by Lord Stowell as "a work of great authority in determining the practice of those times, whatever may be its correctness in matters of law."† In it we find the passages following ‡:—

1. "De Ecclesia et Ministris ejus, illorumque Officiis.

"Cap. II. De Œconomis sive Gardianis Ecclesiarum et Sacellorum."

"Res omnes in templo necessarias œconomi parochianorum sumptibus parabunt."—p. 93.

2. "De Ecclesiarum Gardianis.

"Præterea ad gardianos spectabit cancellæ, mansionum et domorum ad rectorem, vicarium, præbendarium, collegii vel hospitalis magistrum, spectantium ruinas et cæterarum rerum dilapidationes, defectus et curatorum seu ministrorum negligentias, et errores loci ordinario significari: necnon ecclesiæ parochialis navim,

* The Judges do not appear to have been exactly agreed upon this point.

† Lord Stowell, in Hutchins *v.* Denziloe and Loveland, 1 Consist. 179.

‡ Juxta exemplar Londinense. 1571.

turrim, campanas, libros, et alia ecclesiæ ornamenta, ac sacræ Scripturæ sententias parietibus inscribendas, de pecuniis ecclesiæ quoties opus fuerit, reparare, vel ut fiant procurari: necnon cœmeterium clausura decenti cingere. Et si ecclesiæ pecuniæ ad præmissa perficienda sufficere non valeant, licebit eis cum consensu quatuor graviorum parochianorum per eos ad hoc deligendorum, collectam singulis parochianis, modo seipsos ante alios ad justam portionem solvendam obligent, pro ratione facultatum imponere.* Quod si parochiani collectam hujusmodi ad diem per eos constitutum solvere distulerint, seu contumaciter recusaverint, et per gardianos loci ordinario delati fuerint, ad solvendam collectam hujusmodi cum expensis moderatis per censuras ecclesiasticas erunt per ordinarium compellendi."

The five centuries and a half now under review are very barren of incidents, legislative or judicial, in respect of Church rate, which is about the best argument in favour of its constitutional position that we could possess. What statutes there are were called forth by exceptional circumstances, and all of them are distinct recognitions of the principle. Those indeed who in our days have applied themselves to bring about abolition of Church rate, have borne unwilling testimony to the strength of the position of the Church, as evidenced by the history of these five centuries and a half, by the fact of their having uniformly directed their attempts to the disparagement of the earlier evi-

* Thus it appears that the "Reformatio Legum" contemplated the imposition of a rate by the churchwardens with the consent of four of the principal parishioners. In the time of the "Commonwealth," Feb. 9, 1647, the Parliament made a law which is no longer in existence, enabling churchwardens and overseers to make Church rates. See Scobell's Acts and Ordinances of Parliament, pp. 139–142. London, 1658.

CHAP. III.

dence only. These attempts have been so completely met and exposed by the defenders of the Church, that it is not necessary to do more than to refer to them in this place, together with their refutation.* They belong, indeed, properly to the period subsequent to 1833; but they may be noticed here as illustrating the fact to which the writer has adverted, of the necessity under which the opponents of Church rate have found themselves placed, of referring for proofs of their allegations to times other than those which, if the allegations had been true, would have supplied these proofs to their hands readily and abundantly.

With respect to what is called "the grievance of Church rate," the writer has been unable to find any trace of the enumeration of it among the grievances of nonconformists from the earliest times of nonconformity in England down to the year 1833. It does not appear to have presented itself to the mind of the nonconformist for nearly three centuries that a charge upon property in lands and houses levied in respect of its occupation, resting upon the basis of common law, and recognised and enjoined by the constitutions of the Church, by the rubric of the Book of Common Prayer and Administration of the Sacraments, and by statute law, had anything in it of the nature of a grievance. Accordingly, while the "grievances" alleged against the Church at various times by the Puritans and the various denominations of dissent, are many and im-

* See the Essay of the present Archdeacon of London, above quoted. Also "A Brief History of Church Rates, proving the liability to them to be a common law liability; including a reply to the statements on that subject in Sir John Campbell's Letter to the Right Hon. Lord Stanley on the Law of Church Rates," by the present Dean of Ripon. London, 2nd ed. 1838.

portant, and judged by them to be, in their continuance, sufficient cause for separation from the Church, the Church-rate "grievance" of the nineteenth century finds no place among them.

In 1629 a royal proclamation was published commanding the archbishops and bishops to take special care that the parish churches in their several dioceses, being places consecrated to the worship of GOD, be kept in decent repair and order; and to make use of the power of the Ecclesiastical Court to oblige the parishioners to this part of their duty.—Neal's History of the Puritans, 8vo. London, 1822, vol. ii. p. 193; Rushworth, vol. i. p. 28.

No objection was raised to the making of rates under this injunction, but only to the application of them, under the authority of Archbishop Laud, to certain particulars of alleged Popish decoration.

During the "Commonwealth" there is no evidence of resistance to the levying of Church rate. The only record we have shows, on the conrary, to what extent the then Parliament carried the principle. See note above, p. 67.

There is again no mention of Church rate, where if felt as a grievance it would most certainly have found a place, among the Puritan objections taken at the Hampton Court Conference. — Neal, vol. ii. pp. 4, 14, &c.

The case of the Quakers in the latter half of the seventeenth century is altogether an exceptional case, and is allowed to be such by dissenting authorities themselves. In proof of this, it is only necessary to quote a passage from "The History of Dissenters," published in London 1833! — "Other dissenters con-

CHAP. III.

demn tithes, but Quakers *alone* refuse to pay either them or what are called Church rates." *

This is distinct and unanswerable proof of the fact that the origin of the Church-rate "grievance" is as late as the year 1833: and it indicates very plainly what is now not attempted to be concealed but is openly avowed, that tithe, and, generally, all Church property, is the real object of the assault. The "Object" of the "Society for the Liberation of Religion from State patronage and control" is stated under its third head in the terms following:—

"The application to secular uses, after an equitable satisfaction of existing interests, of all national property now held in trust by the United Church of England and Ireland, and the Presbyterian Church of Scotland, and concurrently with it, the liberation of those Churches from all State control."

In Toulmin's supplement to history of Quakers there is an account of the first yearly meeting in London, A. D. 1669. Among the inquiries at that meeting is the following: "Whether a faithful and Christian testimony is borne against the receiving or paying tithes, priests' demands, or those called Church rates?"

In Gibson's Codex there is the note following:—

"If a church be so much out of repair that it is necessary to pull it down, or so little that it needs to be enlarged, the major part of the parishioners (having first obtained the consent of the Ordinary to do what is needful, and meeting upon due notice) may make a rate for new building or enlarging, as there shall be occasion. This was declared, A. D. 1678, 29 Car. II., by all the three Courts successively, notwithstanding

* Bogue and Bennett's "History of Dissenters." London, 8vo. 1833. Vol. i. p. 198.

the cause was much laboured by a great number of Quakers who opposed the rate."—Gibson, vol. i. p. 197, tit. ix. c. iv. fol. Oxford, 1761.

7 and 8 William and Mary, c. xxxiv., 1695. This is the act for the recovery of tithe and Church rate from Quakers, passed originally for seven years; extended, 13 and 14 William III., c. vi., A.D. 1701, for eleven years further; made perpetual, 1 George I., c. xxxiii., A.D. 1714. Sec. 4 commences with these words: "And whereas, by reason of a pretended scruple of conscience, Quakers refuse to pay tithes and Church rates."

The act as originally passed and renewed confined the recovery to sums not exceeding 10*l.*; this was extended to 50*l.* by 53 George III. The title of the last-mentioned act is "For the better Regulation of Ecclesiastical Courts in England, and for the more easy Recovery of Church Rates and Tithes." *

We have thus come down in tracing our outline very nearly to the time when the assault began. The last 140 years of the period now before us are marked by the prevalence and extension of the principle of toleration as established in England by 1 William and Mary, c. xviii. Let it be remembered that this statute, to which nonconformists refer as the charter of their "religious liberty," has been careful to provide for the due maintenance of the immemorial rights and privileges of the National Church. Its words are, sec. 6, —

"Provided always that nothing herein contained shall be construed to exempt any of the persons aforesaid from paying of tithes or other parochial duties, or

* By 6 & 7 George III. Quakers were exempted from imprisonment for refusal to pay Church rate.

CHAP. III.

any other duties to the Church and minister; nor from any prosecution in any Ecclesiastical Court or elsewhere for the same."

At this point, then, we close our survey of eight centuries of lawful and undisturbed possession, devised and held for the good of the entire people; and we pass on to investigate the principle of the assault, with all its unhappy issues during the last twenty-eight years.

CHAP. IV.

PRINCIPLE OF ASSAULT.

In the second chapter the principle of Church rate—the deeper principle underlying it—which is the foundation of all National Churches—the constitutional position of Church rate in relation to the Established or National Church of England—a position derived by necessary consequence from its principle—having been stated; two staple objections were examined and refuted, and the chapter closed with some brief notice of certain properties and chief practical excellences and advantages.

What was then done for Church rate must now be done for the principle which issues in antagonism to it; thus bringing to light the true foundation of that antagonism: some principal consequences also which flow from and surround it must be placed under review. The assailing power and the thing assailed will then be brought face to face.

As the root of Church rate lies very deep in "the obedience of Faith," so the root of the opposition to it lies very deep in our common nature, in the impulses of the natural man. It is diseased, and cannot minister to any sound and healthy growth. It is to be found deeper down than passive nonconformity, or even active hostility to the Church as Established or National. It is to be found in that rejection of all manner of authority in matters religious, or connected with religion, which is

CHAP. IV.

seen all over the world side by side with settled and recognised forms of Faith and worship, disputing the ground with them step by step. There is an analogy very obvious, but worth noticing here, between the religious and the political life. The claim of democracy, when traced up to its source, and followed out to its issue, resolves itself into the claim of every citizen to be, in his own person, not only a judge of the administration of government, but to be a party to the details of that administration by his own vote. At this point government, in every proper sense, ceases, and popular licence begins. The claim of the religious separatist and the issues of that claim are of a corresponding character.

It is not then in the rejection of the Church of England, as Established or National, but in the rejection of the Church, *as the Church*, that we must look for the principle of the opposition to Church rate. The antagonistic principle is a general principle of human nature; not one peculiar to any country or time. It lies deeper than anything that resolves itself into certain special circumstances of a particular people. These, indeed, furnish the occasion of its development, and influence and shape its course of action. They supply to it peculiar impulses, and colour it outwardly with their own colouring. But they are not its source, nor the mainspring of its power. The same spirit which cries, "down with Church rate"—because it is a chief, and, as the adversary knows very well, though many churchmen do not, an integral part of the National Church, and can hardly be destroyed, and not involve in its fall, sooner or later, the fall of the whole position—the same spirit cries, "down with the Church, Established or not Established, National or not National." Let there be nothing in the world which claims to itself by Divine

commission "power to decree rites and ceremonies, and authority in controversies of Faith."*

It concerns then those who are put in trust with the Church of England—that is, with that branch of the Church Catholic which embodies and represents to the English nation the principle of the Universal Church of Christ—to consider well and deeply what is the true origin, and the primary moving power of all these assaults upon its position, among which the assault upon Church rate fills at the present time the prominent place. For, as institutions can only be defended to any good and lasting purpose by taking our stand upon the principle which underlies their foundation, so, on the other hand, it is needful, in order to apprehend the true nature and character of the assault, in what direction, with what ultimate purpose, and to what extent it is intended to operate, to sift the assault to the bottom, and ascertain what that is which underlies its foundation also.

It is the want of this careful and patient consideration which has had the principal share in making the defence of Church rate to be even now a weak and poor, a desultory and unworthy thing. It has been much less the strength of the assault, than the poverty, and the timidity, nay, it must be said, the unfaithfulness of the defence, which has availed to damage the position; and which makes it necessary now, first of all, to fight for the recovery of the vantage ground which has been lost.

For unfaithfulness to a trust is not always, nor indeed commonly, the result of any deliberate purpose to betray

* Article XX. The reader who desires to see the allegation —that this part of Article XX. is an interpolation—sifted and refuted, is referred to Collier's Ecclesiastical History, 8vo. London, 1840: vol. vi. pp. 374-386, pt. ii. book vi.

CHAP. IV.

the trust, but much more of a want of a knowledge of the truth of the case, and of a perception of what it involves—of what the trust is, and to what it binds—a want of knowledge of these things to such extent as easily to let in considerations of expediency within limits where they have no proper place. Now, whatever be the source of this lack of knowledge, and of perception of facts; whether it be indolence, or weariness of contest, or indifference of temper, or the hurry and confusion with which it is become a habit of our national life to address ourselves to the consideration of the most important matters; or whether it be a desire to please all men, by offering little resistance to the current of popular will—it is, in all such as have the power to guard against it, a very blameable thing as respects their own individual responsibility: and when it is taken into account that every educated man who makes any decided step in respect of public affairs in the absence of a knowledge of them which he might command, and of a true appreciation of all the issues of that step, is the means of leading hundreds astray in the path of an uninformed unfaithfulness, the offence against the best interests of the nation assumes an aggravated character.

It is nothing to the purpose to speak in such a case of amiable motives, *e. g.* in the present case, of not wishing to press hard upon the nonconformist: no one wishes to press hard upon the nonconformist; but the question must not be begged as to what such "pressing hard" is. Now, amiable motives are called in common language "the best motives," but they are not necessarily the best. Certainly they are not the best in any case of dealing with a trust; in any case, that is, of dealing with things committed to man to keep; delivered to generations before him, and received by him through them; to be delivered unimpaired through

him to them who shall come after. To proceed in such cases upon "amiable motives," apart from an intelligent and loving appreciation of the trust; that is of the thing received; and a calm and settled purpose to be faithful to the trust, and with God's blessing to deliver it as it has been received, or, if it may be, extended and improved under our hands; is to invest a portion of our nature with the properties and the responsibilities of the whole. Trusts may indeed become obsolete, and this by universal consent: in which case it is for the governing power to provide that they be dealt with warily, and applied to the purpose which is nearest to the original purpose. But no one would suggest in any such case the resting of the decision upon "amiable motives." *A fortiori* then, it may not be rested upon them in such a case as that of the trust of Church rate, of which no man presumes to say that it is obsolete.

But this is not all that has to be said here; for men very readily delude themselves as to the real character of their motives; and what are called "amiable motives," and "the best motives," are very often not so at all. They are not, that is, motives of love, and tenderness, and active benevolence; but motives of self-love, of selfish indolence, of indifference to principles, of sparing ourselves the trouble of contest, and of craving for popular applause. Against this last motive we have an awful warning, addressed it would seem to this particular disposition and temper of the mind: "Woe unto you when all men shall speak well of you; for so did their fathers to the false prophets."*

Let it be observed then, before we return to the main subject of this chapter, that it is the same prin-

* St. Luke vi. 26.

CHAP. IV.

ciple which contains the germ of abolition and of compromise. The abolitionist, if he at all realise his ground of action, denies and ridicules the notion of a positive law, external to man himself, administered by human hands, and imposing limits and restrictions upon him in respect of matters which appertain to the religious life. His mind is of that order which finds its law in itself, in his own judgment, and his own will, apart from all external authority of this nature—at least so he persuades himself. It is on this ground that he takes his stand. There is indeed no other upon which he can stand: and what he desires to rid himself of, as interfering with his "religious liberty," that he proceeds to take measures to rid himself of without scruple or hesitation.

Now is there any real difference *in kind* between a mind of this order, and one which draws arbitrary distinctions between things of the same nature; acknowledging a positive law external to itself in respect of this obligation, but rejecting it in respect of that obligation. Thus the same man will tell you that he will defend tithe-rent charge to the last—that it is sacred property; but that he is ready—not because he is satisfied that it will be good so to do, but because there is a popular cry and a disturbance about it, in and out of Parliament, to abandon or to compromise Church rate. Now tithe is the provision for the minister of God's Word and Sacraments: Church rate is the provision for the house of GOD in which he ministers, and for the things necessary to Divine worship. It is the provision for these things in behalf of all the inhabitants of each parish, and especially in behalf of the poor, who cannot provide such houses of GOD and such means of worship for themselves. Both are of immemorial origin. Both are part and parcel of Church and State. Both are integral parts of the Established or National Church.

Is there any reason that will bear the light why one should be maintained, but the other abandoned? Are the tithe-holders, Laity and Clergy, to resist as one man all attempt to touch tithe, which is their property, but to stand by and let the hand of spoliation be laid on Church rate, which is the property of the poor? Does it make any difference that the one is a large, and the other a comparatively small amount as measured by the money standard? Is it not lamentable to see, in the immediate presence of the renewed attempts to abolish Church rate—attempts openly avowed to be directed to the downfall of Church and State—churchman after churchman proposing schemes of compromise, which all of them have this common feature, one which must find its way into all schemes of compromise, that they barter away for a peace which is no peace* the free and ancient inheritance of the poor man in his parish church? For no man who knows anything of the country population, can fail to see that the tendency of allowing the self-exemption of rate-payers is, in respect of entailing upon the poor man a charge for his present free sitting, a thing only removed in degree, not in kind, from the tendency of abolition of Church rate. It is some comfort to think, what indeed the commonest political wisdom might have served to show the propounders of schemes like these, that they are, of all devices for the "settlement of the question," the most impossible to enact. Abolition of Church rate may be had, if the nonconformist press on, and the churchman offer no resistance, or such resistance only as he has offered up to this time. Church rate may be preserved, and will be preserved, if faith in the position of the National Church, and oneness of purpose to maintain it shall be

* Jeremiah vi. 14; Ezek. xiii. 10.

CHAP. V. not wanting. Compromise of Church rate cannot be had. It rests upon no principle, it meets no want. It is only a vulgar and most unpromising expedient, to put aside for a few years an agitation which it cannot satisfy; and even of this most unworthy object it would assuredly fail.

Now this principle of rejection of all manner of external authority administered by human hands in matters of religion, which is now under review, what is its truth, and what is its value? In other words, is it a reality, and not an impossibility, having regard to the constitution of our nature and the laws of God's Providence? Is it consistent with itself, or is it not a self-contradiction? And what has it done for the world? It has been noticed that it is not left, unhappily, to the patronage of its own avowed supporters only; for that not a few churchmen are, from one cause or another, helping those who are separated from the Church to establish it as the national rule for the English people, in place of that settled form of Faith and worship which is the inheritance and the trust of the Church. They are doing this unconsciously, no doubt; but not the less for that are they doing it. The example of this kind of action at the present time is found in the assault upon, and the quasi defence of, the ancient provision of Church rate; one of those things which if it be taken away either openly by abolition, or covertly and virtually by compromise, that is, by surrender of some portion of the trust, leaves a breach in the position of the National Church, which becomes thereby a thing *different in kind* from that which it has ever been.

The principle out of which flows, among other like things, the opposition to Church rate, may be stated thus—

Nothing devised or administered by man can be allowed to come between God and the individual judgment and conscience.

Now the principle here laid down is an unreality. It is not too much to say that it has at no time been exemplified in the case of any individual man; much less in the case of any body of men. Providence has so formed man, and so linked man with man, that it is not possible for any one of us, even in those things which are nearest to the soul and its hope, to say with truth that there are no external human influences between God and the judgment, as directed by private conscience. This is true in respect of the social and the political life. It is no less true in respect of the religious life. It is one of the privileges of our nature: and the attempt to set up a responsibility of a purely individual character in its place is a thankless rebellion against God's Providence. The rights of conscience are a sacred thing, whether in matters temporal or religious; then most sacred, when subordinated in all things to the revealed law of God: and indeed, for Christian people they have no proper sanctity apart from such subordination. But to talk of the rights of conscience, as though a man stood alone in the world, is an absurdity and an impiety. No man can say for how much of his religion he is indebted to the circumstances which surrounded his birth, and which have waited upon his infancy, and childhood and youth. Nor is his manhood free—free in the sense of this much vaunted principle, so seductive, but so unreal; yea and more, so bitterly disappointing to those who would feed their souls upon it. What does Milton sing of the fallen spirits who first taught man to rely upon himself as against a revealed law external to himself and imposed by Divine authority?

CHAP. IV.

" There stood
A grove hard by, sprung up with this their change,
His will who reigns above, to aggravate
Their penance, laden with fair fruit, like that
Which grew in Paradise, the bait of Eve
Used by the tempter: on that prospect strange
Their earnest eyes they fixed, imagining
For one forbidden tree a multitude
Now risen, to work them further woe or shame;
Yet, parched with scalding thirst and hunger fierce,
Though to delude them sent, could not abstain,
But on they rolled in heaps, and up the trees
Climbing, sat thicker than the snaky locks
That curled Megæra: greedily they plucked
The fruitage fair to sight, like that which grew
Near that bituminous lake where Sodom flamed;
This, more delusive, not the touch but taste
Deceived; they, fondly thinking to allay
Their appetite with gust, instead of fruit
Chewed bitter ashes, which the offended taste
With spattering noise rejected: oft they assayed,
Hunger and thirst constraining; drugged as oft,
With hatefullest disrelish writhed their jaws
With soot and cinders filled; so oft they fell
Into the same illusion, not as man
Whom they triumphed once lapsed." *

His manhood is not free: the freedom which the pride of reason, man's chief temptation, suggests to be his right, is alike unknown to man's nature and to the Gospel of CHRIST. †

And it is well to bear in mind always, and especially in these days when the knowledge of "the things of the world" would almost appear to be exalted into the place of "the one thing needful," that all that is here said about the mutual dependence of man upon man, in respect of the religious life, applies as exactly

* Paradise Lost, Book x. l. 547—572.

† 1 St. Peter, v. 5.; Eph. v. 21; Rom. xii. 5.

to the most instructed, the best informed, the most learned man, and the man highest in station, as it does to the most illiterate and the humblest. In many respects, indeed, the first are even more subject to external influences than the last. The Christian, in the poverty of his humble home, and in the worship of his parish church, is indeed influenced and guided ; but it is his blessed privilege that until the time come, when, either from neglect or carelessness on the part of those who are put in charge of the souls of the place, or from some cause for which they are not responsible, in some evil hour teaching, not according to the teaching of the Church, creeps within the fold ; it is his blessed privilege that the influence and the guidance is mainly in one direction ; and it results, as a general rule, that the faith of the poor, to whom "the Gospel is preached," is a simpler and a steadier and more trusting thing than the faith of those who are not poor.

It is a very rare thing to find a poor man who does not believe in the Atonement, or has doubts of any kind about the inspired authority of the Bible. Can the same be said of those who are not poor? Can the same be said of the highly "educated"? Oxford, to her shame be it said, supplies the answer at this time.

Of all things which are miserable to look upon, as forms of evil, there is surely no one more miserable than the life of Christian men of large mental gifts and attainments — which are superadded gifts — employed, not in building up men in the Faith, but in undermining the principle of faith itself. Servants of CHRIST, in their acts they conspire against CHRIST, and the tendency of what they do is to dethrone Him from His absolute dominion over all men in body and in soul, and to rob them of the kingdom which He has purchased with His Blood. To this end, vainly puffed

CHAP. IV.

up in the fleshly mind, and not holding the Head, they let loose the intellectual faculty to wander at its will up and down among the secret things of GOD. This is the "presumptuous sin" to be kept from which David prayed, and which when man commits, he falls by rapid steps into "the great offence."* What wonder if, met and baffled at every turn by the ignorance and incapacity and infirmity of the faculty upon which he relies for all, he take his revenge, to his own and others' infinite loss, in a sullen scepticism and a sneering disbelief of one portion after another of the revelation of GOD, and finally of the whole scheme of His mercies in CHRIST?

When the tempter deceived Eve, it was by instilling into her mind two things. 1. A doubt of GOD'S truth. 2. A hope and a prospect of intellectual exaltation; *and he built the doubt upon the hope.* "Ye shall not surely die: for GOD doth know that, in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil." (Genesis iii. 4, 5.)

Both alike were found to be a lie. The sentence of death was republished; and it was no longer possible to put it away from the soul. The hope had no fulfilment. The mystery of life remained as before. There was now added to it the mystery of death;—the mystery of death, upon which, as yet, there was no light shed, but only in mercy just so much dawning of light to come as might suffice to prevent despair.

CHRIST came and "brought life and immortality to light by the Gospel." He did not take away the mystery of death; but, beyond it far away, rising up in glory out of the thick darkness, He has placed immortal life; and He has said, Believe and live.

* Ps. xix. 13.

Here, then, is the hope and the peace of the world; here is the hope and the peace of every single soul. There is no other hope, there is no other peace. This hope and this peace are the stay and the abiding consolation of the poor, and of all who, though not poor in the things of this world, are yet "poor in spirit."

None, then, are so truly miserable—none do so much rebel against GOD—as those who, in the pride of intellectual gifts not their own, but received of GOD, forget the humbleness of heart which is the condition of becoming "great in heaven."

But let it be granted, for argument's sake, that the position of the "educated" man, in the popular sense of that much abused word, is one which makes him independent of external human authority in matters of religion. It would be a miserable privilege to possess; and one which, if he were wise, he would give all his "education" to be rid of; and the truly educated man will have none of it. But let this pass. Let it be granted that it is his position: what becomes of the position of the "uneducated," of the great mass of CHRIST'S people? For "the schoolmaster may be abroad" to any conceivable extent, but the great mass of CHRIST'S people, of those, that is, who earn their daily bread by the sweat of their brow, must always be "uneducated" in the sense of the term now under review. What, it is asked, becomes of them and their position? They cannot, upon the very hypothesis assumed, make their religion out of the Bible for themselves. It is before them either to be "of doubtful mind," or to accept implicitly the teaching of the Church, and to rest upon a positive law external to themselves and administered by human hands. This is the alternative before them, and it is their happiness to choose aright.

It is a thing for those who do not love the Church of

CHAP. IV.

England, but who are hostile, and with very sufficient cause, to the Church of Rome, to consider well and to pause upon, that everything which impairs the position of the Church of England is so much in the favour of the position of the Church of Rome. For if there be any one part of human experience more established than another, it is this; that the multitude of men will, at any cost, have something upon which they can depend; upon which to repose their faith; something external to themselves; something which speaks with authority. Not all the worship of reason and intellect that the world has ever seen has sufficed to blot out this principle of man's nature, though it may for a time have availed to obscure it, with all other principles. The multitude of men, and they are wise herein, must and will have some authoritative teaching. Now this the Church of England supplies in the best form in which it has been supplied to the world since the Apostolic and primitive times. Anything which contributes to dethrone the Church of England from her national pre-eminence, tends directly to exalt in her place the Church of Rome.

For, be it observed, it is not as though the Church of England had never been the Established or National Church, the exponent of the nation's Faith. It is not as though the Church had been always amongst us upon the same social and political footing with the sects. She is in possession; in rightful possession, as we affirm, by Divine and human law. If by human law she be now in any respect deplaced, it cannot but be that this will be construed to her disadvantage by simple-minded people. They will not be able to understand how it is that the Church is deprived of what has always been hers, unless it be that she has done some wrong. The people of England respect the law with an implicit re-

spect and confidence. If they see the law go against the Church, it will be hard for them to regard the Church as they have been used to do. Now it is no small matter for lawgivers to come near such a responsibility as this. And men in England, legislators or constituents, will do well to pause, not once but many times, before they do, or urge others to do, what may tend powerfully to shake the faith of millions in the position of the Church of England, and which will enable the adversary to show by many plausible arguments, that her position is no longer anything but the position of a sect. Have our legislators anything to put in the place of the National Church of England that they are so ready to part with it, not with any consent of hers, but in the face of her protest and her prayers?

The principle which underlies the principle of rejection of the Church of England, as Established or National, and out of which, as from a fountain head, flows, with other like things, the opposition to Church rate, has been found not to be a truth but an unreality; a thing in its nature impossible in any case, having regard to the constitution of man, and the laws of GOD'S providence.

It is to be shown, in the next place, that it involves a self-contradiction; in other words, that those who assert it in the abstract, in all their practice deny it.

This point may be disposed of in a few words.

The nonconformist either holds his peculiar form of faith as *the* truth of the Gospel, and adopts his peculiar manner of worship as that which best meets the wants of man's nature, or he does not. If he does not, he separates himself from the Church on grounds which are manifestly insufficient to justify the separation. If

CHAP. IV.

he does, he affirms the principle of authority in questions of Faith and worship.

As matter of fact, the last is what the nonconformist does. His system is as definite and as exclusive as that of the Church.* It is not said that he is wrong in having such a system, and in imposing it by authority as a test of membership; he does but yield to the necessity of the case, and to the requirements of a law of his nature. It is not said that he is unwise. It would be foolishness to dream of holding men together in a religious bond upon any other foundation. All that is said is this, that the principle to which nonconformity refers, and upon which it relies for its justification in separating from the Church, is not the principle upon which nonconformist "churches" are either founded or maintained.

The argument has been conducted as though the authority which is claimed and exercised by the Church, in respect of articles of Faith, and which is rejected by the nonconformist, were only an authority resulting from the fact of the consensus of many minds in all ages of Christianity in a certain definite and settled belief. This has been done because it was sufficient for the purposes of the argument, which concludes the futility of the claim of the individual judgment and conscience to authority over the individual man. But it must be remembered that the true account of this consensus of many minds of different countries in all ages, the account which the Church gives of it herself, is of

* The theory of nonconformity, the system of it, as a system, is what is here insisted upon. In practice, there is no doubt that the opposition to the Church system, which is common to all sects, overrides in many particulars, though not in all, the distinct and exclusive character of each separate sect, and avails to present them all collectively as, not politically only, but religiously also, one body. See end of Ch. V.

another and an infinitely higher kind. The Church refers that consensus to the promised guidance and superintendence of THE HOLY GHOST, who has thus been pleased to set His seal upon the Truth. It is in this sense that the Church, not any particular church or churches, but the Church Catholic, being the depository of the Truth, and attesting it to man, in the ordinary course of GOD'S providence, to be the Truth of THE HOLY GHOST, by the universal reception of it as delivered by Him in the Book of GOD, is called in our 20th Article "a witness and a keeper of Holy Writ," and in Holy Writ itself "the Church of the living GOD, the pillar and ground (or stay) of the truth."* Now the authority thus derived and thus exercised is an authority in which no nonconformist body or bodies can, from the nature of the case, have any share. Theirs is a human consensus, and of late and uncertain origin; strong enough, it may be, for its immediate purposes, but, as all experience of nonconformity serves to show, liable to continual degeneracy and decay.† The other consensus is Divine, and can-

* 1 St. Timothy, iii. 15. It is to be carefully borne in mind that the reception of the Holy Scriptures themselves as the Holy Scriptures, i. e. the inspired record of the dealings of GOD with man, depends for its authority upon the universal consensus of the Church Catholic here insisted upon.

† There is nothing in the religious history of the last 100 years more remarkable than the difference between Wesley's teaching in 1760, when he had not made himself the leader of a sect, and his teaching in 1780, when he had made himself the leader of a sect; unless it be the difference between Wesley's teaching at the latter period, and the teaching of Wesleyans in 1860. An excellent illustration may be found by a comparison of Wesley's hymn-book of 1760 with his hymn-book of 1780. Some of the hymns of the former, which is become very scarce, are reprinted in the Appendix to the author's translation of Saravia on the Holy Eucharist. All this is wholly independent of the consideration of the conduct of the

CHAP. IV.

not degenerate nor decay, however particular churches may fail and fall. It is all Divine, though it be proclaimed from generation to generation by man's voice, and be recorded by man's hand.

It remains to inquire, what is the value of the principle of nonconformity? Not as stated; because, as stated, it has been shown to have no existence in action, nor, indeed, in the nature of things; but, as carried out by the nonconformist. We want to know, that is, *what it has done for the world?*

First, then, for its effect upon the individual man.

It is the parent of that species of dogmatism which alone really deserves the reproach commonly cast upon the word—the dogmatism of "private interpretation" of Holy Writ. For though such "private interpretation" be, in the literal sense of the term, impossible; in that the mind which arrives at it must needs be influenced and guided by much that is external to itself,—the fact that it has been arrived at, and that it is counter to the interpretation of the Church, as guided and directed by THE HOLY GHOST, has made many a man aspire in self-reliance to be the founder of a new schism; and, if circumstances have not sufficed for so much as this, has made him self-willed, presumptuous, and a despiser of those who desire humbly to walk in the old paths.

Secondly, for bodies of men.

It is the prolific parent of heresies and schisms. It would be out of place here to enter into any detailed account of these things. For the ancient heresies, these have long since disappeared: but those "latter days" of "the last time," which belong to the history of

Church of England in the last century in not preventing the Wesleyan schism. It is stated only in proof of the downward tendency of nonconformity.

modern Europe, have witnessed the birth and the growth of the heresy of Socinus, which has had a wide and baleful influence, not only without, but also within, the pale of the Church, far beyond the limits of its own nominal extent.

How much of that portion of Christian Europe, which passed into separation from the Church of Rome in the sixteenth century, has now become Socinian, is an inquiry of fear and trembling, and need not be pursued in this place. But there are two great facts of the case which properly belong to our subject, and which require to be pressed, because they are evidence not to be mistaken of the necessity of keeping whole and undivided the integrity of the Church. In other words, that it is not only the Faith, but also the Apostolic order, of the Church which must be preserved, if a Christian people would keep by THE HOLY GHOST that good thing committed unto them, and not be taught of the spirit of Antichrist to deny THE SON.

One of these great facts is, that it is amongst those once Christian communities which have cast aside the Apostolic order, that the primitive Faith of their original constitution has gradually perished, and the heresy of Socinus most prevails. In some cases it is to be feared universally; in others it is creeping on apace.*

The other great fact is, that it is precisely in the Church of England, who, with the primitive Faith, has preserved the Apostolic order, that the heresy of Socinus prevails the least; and has for many years been slowly but steadily disappearing. Alas! it cannot be said even here that it is unknown. It is revived from time to

* For some account of the lapsing of Presbyterianism in England into Socinianism, see Bogue and Bennett's History of Dissenters, London, 8vo. 1833, vol. ii. pp. 383-4, 545-6.

CHAP. IV.

time by the same spirit which first called it into existence; and it may be that it must be always so in this state of the Church's trial. For that we be safe from it, there is required not only that we live in the possession and outward use of the two integral parts of the Church, the primitive Faith and the Apostolic order, but that we have that humbleness of heart, and childlike subjection of the will and the intellect to the voice of the Church, which constrains a man for the love of Him who was "meek and lowly in heart,"* and for the fear of offending one of those little ones which believe in Him, to shrink from the presumptuous sin of raising "foolish and unlearned questions" about great points of the Faith of CHRIST.

Thirdly, for teachers.

The nonconformist principle involves the dependence of ministers upon their congregations: they are under strong temptation therefore not to present the truth as received by themselves, but as accepted by those to whom they minister. It is needless to enlarge upon the obvious evils of such a state of things, whether as respects truth itself, or the truthfulness of those who claim to deliver it.

Is this hardly said as against those who make voluntary sacrifices to maintain a form of faith and worship which has no other resource? The writer disclaims any such feeling. But it is his business to state the case of the Church as contrasted with that of nonconformity; both in principle and detail; both in cause and effect; and he has no concern with motives, except in so far as it is his duty to point out that certain circumstances are more suggestive of specific temptations than their opposites are.

There is one other point to be noticed here. It

* St. Matt. xviii. 6.

will have to be handled in detail when we come to the history of the assault; because it is the secondary and proximate cause of the assault—meantime its substance must be stated.

Nonconformity in England being, in one degree or another, hostile to the Church, which is the great Conservative element of the country, has at all times, with some rare and honourable exceptions, been identified with the extreme of "liberal" opinion; that is, with political license. The writer desires here, too, if possible, to avoid giving offence; and when he says that when you hear that a man is a Dissenter, you may conclude, "ex vi termini," that he is a "liberal," he is only using conventional terms for want of better.

But the thing itself is most important, and cannot be put aside.* It has an especial connection with the present position of the Church rate question in and out of Parliament, as will afterwards appear.

It has thus been attempted in this chapter, taken together with the second chapter, to bring the assailing power and the thing assailed face to face, and to present them in what is believed to be a just and reasonable contrast both of principle and of detail.

There is one thing, however, still to be said in this place.

Nonconformity is an evil; no Churchman can possibly say otherwise.

But who is responsible for the evil? Is it the nonconformist only?

GOD forbid that we should say so. It would be as

* It is not without its significance that the first instance we have of formal record of schism is of a character wholly political. 1 Kings xii. 26, 33; xiii. 33, 34.

CHAP. IV.

remote from the truth of the case, as from loving kindness; and would savour little of that longing desire to win souls back to the fold which is a sign of the presence of CHRIST in the heart by THE SPIRIT; no less a sign, perhaps, than a sound and immovable Faith. The fault is indeed with the founders of nonconformist sects, and with many of those who follow them; but yet it is not wholly even with these.

Oh for the sound of that warning voice, and for its entering into the soul and spirit of Church and State in years gone by. "They need not depart; give ye them to eat."*

Oh for its sound, and for its entering into the soul and spirit of the Church of England even now, and causing her to proclaim herself in heart and life more and more a missionary Church at home, in these our days; when the complications of our social state, and the strife of political party, springing mainly from our unhappy religious divisions, which act and react for purposes of ill, impede the concurrent action of the State: Oh for the sound of that warning voice, and for its abiding presence in all our hearts.

"They need not depart; give ye them to eat."

* St. Matt. xiv. 16.

CHAP. V.

HOW THE PRINCIPLE OF ASSAULT HAS BEEN DEVELOPED INTO ACTIVE HOSTILITIES; AND HOW THESE HAVE BEEN STIMULATED BY CIRCUMSTANCES WITHIN THE CHURCH.

TOLERATION in England had been much advanced by the repeal of the Test and Corporation Acts in 1828. Succeeding years have added so largely to its substance that it is hard to see what is left for the nonconformist to demand which is consistent with the preservation of the union between Church and State. But the largest toleration cannot fully and finally content the man who rejects the Church. Slowly it may be, but surely, the principle of his rejection acts and reacts upon itself. Freedom from coercion and from all manner of restraint and repression by adverse law, which is his natural aim, and his legitimate aim to any extent which is consistent with public order, appears to him, in its enjoyment, to come short of the true issue, and to be unworthy even of the efforts which have been employed for its attainment. When the principle has reached this stage of its development, it waits only for favourable general circumstances of the political and social state to manifest itself in all its unlimited proportions and in its genuine character. At this point the struggle for toleration ends, and the struggle for equality begins. And as nonconformity cannot, in the nature of things, rise to the level of the Church, it remains only that it labour to draw down the Church to a level with itself.

CHAP. V.

In reviewing the causes, proximate and remote, of the assaults made upon the position of the Church of England during the last twenty-eight years, it is commonly said that these assaults are to be traced to that desire of change which was called forth in this country by the Revolution in France of 1830.

There is a coincidence, no doubt, in point of time. But all that can be reasonably intended is that a sudden impulse was given by what happened in France to passions already working, and projects already conceived, in the English mind.

With reference to the immediate subject of this book, which is all that we are now concerned with, it will be remembered that hostility to the Church of Ireland had issued, several years before 1830, in concerted plans for depriving her of her endowments; and when the political struggle came in England, and the people in the large towns, where the Church was weakest, and separatists from her most numerous, were enabled to make themselves more heard and felt in the House of Commons, it was only what might have been expected that the opportunity thus offered for depressing the Church should be eagerly grasped.

Whether nonconformity in England has not suffered from having thus formally invested itself in its public action with a political and party character, and from having, so to speak, merged its various religious differences with the Church in a joint effort of all denominations combined to thrust the Church from her national position, is very possibly a question upon which nonconformists themselves may sometimes ponder with doubt and misgiving. All that we are concerned with at present is the historical fact that the abolition of the Irish Church rate in 1833 was speedily followed by the first open assault upon Church rate in England.

Men whose minds were predisposed in that direction were not slow to avail themselves of the opportunity, and to occupy the vantage-ground thus laid open to them. The minds of men were in a perplexed and anxious state, and were forced to search for reasons why what had been abandoned in Ireland should be maintained in England. In Ireland the surrender had been made upon the demand of the Roman Catholics,—by some as a grievance of conscience, by others upon the political ground of the necessity of yielding to a determined majority of the population. In England, there being no room for the latter plea, and the setting up of a grievance, and especially a grievance connected with religion, being always a popular thing to do, one calculated readily to enlist men's passions in the cause, and thus to hinder any great amount of patient inquiry into the truth of the case, the former plea was for many years placed alone in the van of the assault.

Perhaps the position of the question as it was regarded from opposite sides at that time cannot be better illustrated than by two passages, one from the "Edinburgh," and one from the "Quarterly Review."

"Edinburgh Review," No. CXVIII. January 1834, Article XI. vol. 58, p. 505:—

"As for Church rates, there is no occasion to discuss the question. They can only be levied if the vestries choose to vote them. So that wherever either the Dissenters predominate, or the church-goers themselves are indisposed, there is no remedy. This state of the law requires some measure to be adopted in order to preserve the fabric of the churches. There can be no doubt that the measure must be such as to content the dissenters. None other can even be looked at in these times and by the present Parliament."

There is a flippant self-satisfaction about this some-

CHAP. V.

what crude proposition for sweeping away the national obligation of 800 years, which at this distance of time is not unamusing.

"Quarterly Review," No. CXIV. Vol. 57, Article V. p. 366. December 1836.

"So long as you have national Church rates, you have a national Church properly so called."

That the Church of England, in her general aspect, as the principal conservative element of the country, should have been made a primary object of assault in the early days of the Reformed Parliament;—that Church rate, her immemorial custom in behalf of the whole people, should have been assumed to be one of those abuses which it was the privilege and the duty of a Reformed Parliament to abolish;—that the Reform Association of the day should have in such sort identified Reform with abolition of Church rate as to endorse and publish as their own document the pamphlet of an eminent member of the then administration "upon the supposed antiquity of Church rates:" *—these are things easily understood, and may, in themselves, be looked back upon without disturbance of mind, and with encouragement to ourselves not to despond so readily and so hopelessly because the parliamentary aspect of our case may have been unfavourable.

But when a portion at least of the delusions then prevailing is found to have survived the excitement of those years,—when there is indeed no "Reform Association," for obvious reasons, but there is a "Society for the Liberation of Religion from State Patronage and Control," which issued, May 2, 1860, the fifteenth report of its executive committee,—when the same arguments which were used for the first time twenty-eight

* See Ch. III. p. 58.

years ago, are repeated outside and inside the walls of Parliament, in the face of the facts that the avowed position of the question is radically changed, and that the alleged grievance of conscience which was then appealed to so indignantly and so confidently has disappeared, and that there is brought into its place the avowal of a settled purpose to overthrow the constitution in Church and State,—when it is patent to all men that Church rate is only the outwork of the citadel which it is proposed to storm :—when all these things are public facts, it is impossible not to have misgivings as to the ultimate issue of our popular form of government, in respect of the future position of the National Church of England.

Now, if the delusion were confined in Parliament to those who may be taken to represent the nonconformist body, together with others who cannot, in the nature of things, be friendly to the Church of England, there would be small cause for fear, even though the state of political parties be such as to make a very few votes the arbiters of a Government. But the ground of alarm is that the delusion extends far beyond this limit, and has made its way to a considerable—but it may be hoped now to a diminishing—extent within the pale of the Church herself. It is no less humiliating than it is curious to contrast the language of many Churchmen, bishops, clergy, and laity, with that of many eminent nonconformists. Let us take, for example, the language of Mr. Toulmin Smith, as spoken in evidence before the Lords' Committee of 1860 : it can never be too often repeated or too widely circulated.

Report of Lords' Committee, 1860.

Evidence of Toulmin Smith, Esq.

TOULMIN SMITH, Esq.

511. Looking at the law as it now stands, do you think it is capable of amendment in any way?

CHAP. V.

Evidence of Toulmin Smith, Esq.

I do not think that any kind of dealing with it could do otherwise than be injurious; I allude particularly to the Bills which have been proposed, and which are now in the House of Commons. I think that no mode in which the law could be altered could be otherwise than injurious, for you would take away the basis upon which the Church of England must rest, namely, that it is a Church in which all have a common interest, and that it is not a sectarian Church. I think that nothing you can amend or modify—for example, to exclude dissenters—can do otherwise than make the Church simply a sect, and not a Church in which the whole of the people have a common right and interest.

512. Are you not aware that very expensive suits have been undertaken in the Ecclesiastical Courts to recover Church rates?

Yes.

513. Do you think that that is a desirable state or things to continue?

No; but the Braintree case has settled that part of the law. I am not aware of any other like that.

514. Supposing a parish, acting upon the decision in the Braintree case, were to vote a Church rate by a majority, but there may be some dissenters who will refuse to pay, how is the law to proceed against them?

I think it could not be a very expensive suit now.

515. Not to recover damages in the Ecclesiastical Court?

I do not know any of the details of the costs in the Ecclesiastical Courts; but I think it could not at any rate be a very expensive suit. Some points, perhaps, might be settled; for instance, whether or not the rate should be levied only under the old common law by means of distraint. It could be also settled and de-

termined what is or not a Church rate, or whether you must confine it to the mere fabric. The very fundamental idea of a Church rate goes, in my view, to providing of all that is necessary for the service of the Church. We know that the surplice does not belong to the clergyman, but to the parishioners, as it is for the common good of the whole.

516. Do you think, looking at dissent as it exists now, it might not be advisable to exempt dissenters from the payment of Church rate?

Upon the grounds of principle, which I have already stated, I should say, unhesitatingly, that it is very undesirable, and that it would produce very great injury. I cannot see that it is possible to carry out the idea of exempting them upon their stating that they are dissenters. The very grounds upon which I myself maintain that it is extremely wrong that the attempt should be made to deprive the parishes of their right to make a rate if they please, make me necessarily, and in common consistency, feel that any partial exception is a thing which is most objectionable. It is very desirable that doubt should be avoided; but I cannot see any ground whatever upon which you can exempt dissenters from paying Church rates which have been decided upon when the vestry have assembled and discussed the matter, any more than I can for exempting a man from paying the Queen's taxes because he objects to the China war.

517. But suppose a person does not attend the vestry, and puts in a notice that he does not wish to contribute to a rate, and declines to take any part in the vestry meeting, should you see any objection to exempting such a person, after such a process as that?

Yes; for he is taking advantage of his own wrong, which is against the first principles of the law of Eng-

CHAP. V.

Evidence of Toulmin Smith, Esq.

land. He is bound to attend at the meeting held with regard to the Church rate; and I can have no mercy for him if he has not done his duty, and has not given his time to attend at the common meeting of his fellow-parishioners, where he might hear all that was said, and have an opportunity to offer any objections of his own.

518. Supposing he is outvoted, does not that put him in a very difficult position if he is charged by the majority a considerable sum for the support of the church from which he supposes, whether rightly or wrongly, he derives no benefit.

No; the fundamental element on which the whole superstructure of civil society exists is, that men agree to be bound by the majority; and you have to take care that such are your institutions, that you shall have a reasonable chance of the majority being right. But that majority is not to be for ever final; and every man will have an opportunity of understanding the matter, and coming again and again to re-discuss the question. It is the characteristic of England, that men are not in the habit ever of saying that they are beaten, if they feel that they are right, although they are, for a time, in the minority. And since it would indeed seem to be a grievance of the worst character to give an opportunity of calling in the strong hand of coercion to put down those who are in the minority, institutions exist by which they have ample opportunities of discussing the question at issue again and again; and if, after that opportunity for discussion, still you make a rate, it is nobody but the majority of those who are actually interested in the matter that can make it. And I cannot understand the justice of exempting any man because he chooses to say he is a dissenter, from paying the rate, after having had those opportunities. It is an assumption

that he alone is right, and that any man who does not agree with the opinions of the majority is not to be at the trouble of trying to show his fellow-citizens that he is right, but may call in the strong hand of despotism to coerce and put down those who do not agree with him; I say that this is contrary to the very spirit of our institutions.

519. *Lord Stanley of Alderley.*—You consider that the law is clear that a majority only can make a rate, and that no alteration in that is expedient or desirable?

Just so.

520. *Marquess of Salisbury.*—You have stated that the majority in a parish has the power to make a rate for Church purposes, and you extend that by the common law to all other purposes?

Yes; to all purposes that are for the common benefit.

521. You have stated also, that different modes of assessment have been adopted in different parishes at different periods?

Yes.

522. Should you see any objection to an enactment which clearly defined the mode in which that assessment should be made?

Not if it were simply declaratory. There is a case very analogous; there is now a bill brought into the House of Commons by Mr. Slaney, for public improvements, by which bill he proposes that two-thirds in value of those in the parish shall appoint a committee, if they please, to do certain things which he proposes for the public benefit. I object to that bill altogether. I say that the common law already gives you that power. It is laid down by the highest authority, by Lord Coke among the rest, and a vast number of others, that a parish has the power, without any custom, to make a bye-law for that which is for its own benefit.

CHAP. V.

Evidence of Toulmin Smith, Esq.

Why, then, step in by legislation, which is partial and piecemeal, and which alters, in many of its details, the original law? It is always very difficult when you try to put down in black and white what is embodied in the spirit of the common law. Thus you cannot define a nuisance. If, however, you have simply a declaratory Act, declaring the power of the parish—as we have seen it to stand, in the case of a majority properly summoned, with due notice, and also with due notice of the purposes for which the meeting is convened—and then simply to re-declare that power, it would be made certain. You might also take away the doubts which recent legislation and late disputations have raised, as to what purposes a Church rate may be applied for; there I think you would do a great benefit.

523. You stated that different modes of assessment have been at different times adopted by different parishes in making a Church rate?

Yes.

524. Do you see any objection to defining strictly what the mode of assessment should be, and confining the general powers to that mode of assessment?

Yes; I see this objection, that the circumstances of the parishes must differ very much indeed; and it is extremely undesirable that you should tie up all parishes to the same mode of assessment.

525. Would you give them the power to adopt any mode of assessment they might think fit, and give them a common law right to recover the rate?

Just so; that is, clearly declaring it.

526. Would you allow one parish to make a rate upon owners, and another parish to make it upon occupiers?

No, certainly not; that would be contrary to the primary and fundamental ground, namely, that you must

deal equally. In almost every town and parish you would get a vestry of occupiers that would rate the owners. You must deal equally. I find these differences: in some cases the rate has been so much per yard land, and in other cases upon the cattle, and so on; and it is obvious that in one case there may be a very large grazing farm, and in another much ploughed land; and if you adopted one rule, which, for instance, required that, although it was ploughed land, you should only lay the rate upon cattle, you would get no rate there.

527. *Chairman.*—Would it be advisable to have a vestry composed of owners and not of occupiers?

Certainly not. It was once doubted whether an owner at a distance, or one who did not live in the place, had a right to vote at all. It was laid down in a case reported by Lord Coke, that, as the non-resident occupier had a right to go to the meeting, so he ought to pay the rate.

528. You would admit, I presume, that a great deal of misapprehension, in your view of the case, exists?

Yes; and I think it is that which has done the mischief.

529. How would you remove that?

I think no mode so effectual as your lordships' committee. I know that the few pages which I have laid before your lordships have removed the misapprehension which existed in one large parish, containing 1100 ratepayers, and that has caused a rate to be carried which would not have been carried without.

530. Does this pamphlet contain your views with regard to the true state of the law?

It is only a sort of popular view of it.

531. Do you apprehend that what you have stated is likely to remove the objections to Church rates, and

CHAP. V.

Evidence of Toulmin Smith, Esq.

that that will operate beneficially in all towns, or do you see much prospect of recovering the rate?

I know what it has done, and therefore can judge what it may do, even in such places as Manchester, Birmingham, and Liverpool. The statement and explanation of these particular views have already operated. I have published a work on the subject which has had a large circulation, and copies of which have, I know, reached Manchester, Liverpool, and Birmingham. I am able to state that some of my own friends, who have heretofore been strenuous opponents of Church rates, have gone and voted for Church rates, because they were satisfied they had been labouring under a misapprehension. The whole subject is treated as if the Church of England were a sect. I received only last night a letter putting it in these words: "Certainly you will not go and say that we ought to be compelled to pay for another man's church." I say "No; but you ought to be glad to pay for what is your own." I distinctly maintain that it is the Church of all the people, and that individuals who do not like the doctrines taught in that Church to-day, have no right to attempt to take away the interest which the whole of the people have in that Church, both now and hereafter.

532. Is it your opinion that power should be given to some person appointed to collect the parish rates to recover them by distraint in the same manner as distress is levied for rent?

Yes; it seems to me that the power should be recognised in a parish, and which the whole cases show is recognised at common law, for the parishioners to appoint a collector, who should have authority to distrain if the rate were not paid.

533. *Lord Bishop of Oxford.*—Does your view, in

fact, mean that dissenters are members of the Church of England, but somewhat eccentric in their opinions?

Yes.

534. *Lord Stanley of Alderley.*—Would that observation equally apply to Roman Catholics, that they were eccentric members of the Church of England?

I did not call the dissenters eccentric members of the Church of England: but whatever they may be, I say that they have a common interest in the Church of England.

535. *Chairman.*—Do you express your views as a nonconformist?

Yes.

536. *Lord Bishop of London.*—May I ask of what denomination?

It might be rather difficult to say, for my strongest feeling is a dislike to sectarianism. An ancestor of mine was a well-known author and preacher in Birmingham more than half a century ago, and he directed in his will that when he died his pall should be borne by clergymen of all denominations, and, I understand it to have been the fact that it was so borne. That illustrates my own feeling upon the subject. I think that the whole Church is the Church of the people, and that it is not a sect, and that every step you take towards a modification of the system must necessarily go upon the basis that it is a sect, and you would be making it a sect.

537. Do you suppose that, provided the proposal for abolishing the power of parishes to rate themselves be successfully resisted, that there is a change going on in the public mind which is tending to enlighten it more as to the true object and character of Church rates?

I think so decidedly, and that your lordships' committee will have a very great effect in that direction.

CHAP. V.

Evidence of Toulmin Smith, Esq.

I observed a phrase in the evidence which I have read, which shows me clearly the misapprehension that exists, and it is in the evidence of one of the strongest witnesses against Church rates; the words are, "the State endows the Church;" that shows the impression; and if gentlemen are dealing with false premises they will naturally come to false conclusions."

The evidence just quoted forces upon our consideration that the nonconformist is sometimes a better friend, a wiser counsellor, and a more true and faithful servant of the Church than the Churchman is. Now there must be causes and reasons for this, and an investigation of them may help to answer the question suggested in the second part of the heading of this chapter.

First, then, for the manner in which many Churchmen regard and deal with the Church's law.

Revelation itself has committed its law to the keeping of the Church. This is the way in which GOD has been pleased to provide for the perpetuity of that law to the end of time. That this trust, so committed to the Church Catholic, should be dealt with unfaithfully or imperfectly in one or more respects by particular churches, is only one aspect of the facts: 1. That it is committed to human hands; and, 2. That there is no promise that particular churches shall not fail. But the trust itself, and the Church Catholic to whose keeping it has been committed, cannot fail. These remain and abide, and will abide. They are gifts to mankind, and not to be destroyed by this or that people's unfaithfulness, because that CHRIST is revealed is the hope of the world, and it has pleased GOD to perpetuate the revelation, not by continued miracle or other extraordinary manifestation, but by the voice of the Church

Catholic, then first formally expressed in the records of the general councils as divers heresies gave occasion and made necessary, and subsequently ratified by the consensus of all ages.

Every particular Church, therefore, is in a better and purer state in proportion as it keeps faithfully and implicitly the trust as originally committed. Now herein lies the claim of the Church of England to the love and dutiful obedience of her children. The Church of England at no time applied herself to the making of a new form of Christianity. She did but clear away that wherewith her trust had been disfigured and defaced, and revert to the original possession and inheritance. Thus she accepted the deposit of the primitive Faith. It is her law.

Should not the children of the Church keep the law of the Church. Can it be right that the spirit of nonconformity should find a place within the Church itself? Can it be right that churchmen should thus forget what is the law of their own liberty? But is it not true that churchmen, and not nonconformists only, abuse oftentimes the privilege of free inquiry, and refer all things to the private judgment of the individual mind, without considering that the Church's law is their primary rule, and has the first claim to their reverent obedience? Free inquiry and discussion is, perhaps, humanly speaking, the best security for institutions, even for those which have in them something of a Divine nature. But freedom of inquiry, in respect of the inquirer, has its temptations, and may have its fall. Thus, one man's private pique may be invested by him with the dignity of an inquiry, and be converted by him into matter of public objection to, and offence at, the Church. Another is not so tempted, but allows himself to generalise and draw universal conclusions from

CHAP. V.

one or more unfavourable facts which come immediately under his own observation. A third, because he finds the words "civil and religious liberty" commonly joined together in the same sentence, does not consider that the two things are not, and cannot be, the same in kind; and that there is in the "religious liberty" of the churchman an element which forms no necessary part of his "civil liberty," viz. an entire dependance upon the revealed law of GOD, as committed to the Church. In these and other ways churchmen are found not uncommonly not to abide faithfully in that calling whereunto they have been called; and so it is that those who do not love the Church, but fight against her in principle and in detail, are able to appeal to the fact, that not only are their efforts met with no corresponding resistance on the part of the clergy, and the people, but that they are in many instances stimulated and encouraged, and even actively promoted, by Churchmen themselves, who do not hesitate in the exercise of their private judgment to compromise and surrender portions of the Church's inheritance; integral parts of her national position as the Church of England.

This is one of those circumstances within the Church which encourage and stimulate the hostilities directed against the Church. It flows naturally from the unlimited and unregulated exercise of individual judgment by churchmen in matters upon which they are concluded by the facts of the Church's acknowledged position, and which are not therefore within the proper limits of that judgment. The difficulties created by Church people thus following their own law, in preference to the Church's law, supply an instance of the truth of a common saying,—that it is often much easier to deal with your enemies than with your friends. The writer has never been able to under-

stand upon what principle it is, or by what process of reasoning, that churchmen arrive at the conclusion that it is competent to them to take any part in abolition or compromise of Church rate, or even to surrender it, if it should be abolished or compromised, without distinct and solemn protest. So far from either of these things being among things "lawful and honest," it is his persuasion that the plain duty of a Churchman is to make every effort in his power to avert so great an evil; that, at least, it may, if the worst should finally come, not be a burden on his conscience that, either by action or inaction, he has contributed to the harm and loss which will then have fallen upon this people.

In the next place it must be admitted freely that there are circumstances connected with the administration of the law of Church rate, which supply some excuse, in certain instances, for an indisposition to active exertion in its defence, though they cannot justify that indisposition, much less any concurrence with the action of the abolitionist.

The circumstances referred to are all of them details, and do not touch the principle. But undoubtedly there may be details in the administration of a law which may make its administration generally or partially so unacceptable, and which are in themselves so indefensible, that there is neither honesty nor justice in resisting their amendment; on the contrary it becomes in such cases the plain duty of a citizen to aid, so far as he may, in procuring the amendment; and this the more, in proportion as preservation and well-being of the institution which they affect injuriously is for the general good. It is a happy circumstance that, whatever other differences exist upon the subject of Church rate, there is no appreciable difference of opi-

CHAP. V.

nion as to the propriety of amending the law in respect of the details in question.

There are two principal things which have contributed to make the Church rate law unpopular—not generally, for it is needless to go about to prove what none can deny, that generally it is in high respect and favour with the people—but partially here and there, in certain places, and under certain exceptional circumstances.

One of these is the case of district churches, built to meet the want of an increased population, and which ought on the one hand, in all reason and equity, to be kept in repair by the inhabitants of the district for whose benefit they have been raised.

On the other hand, it is contrary to all reason and equity that the inhabitants of such district should continue to be chargeable for the repair of the mother church also. It was the failure in point of capacity of the mother church to supply means of worship for the increased numbers of the parishioners which made the building of the district church necessary. When the failure had been made good, the separation should have been made complete, and a new parish with all parochial rights and liabilities constituted. To inflict upon people, clustering round their new church and rejoicing in the possession, the burden of a double repair, and not at once to have set their minds at ease in this particular, is a great blot in our case. No doubt the difficulties in the way have been neither few nor easy to master. But it ought to have been felt that the interests at stake were too great to allow of hesitation. The parish church supplying accommodation for a population of 6,000 people, and claiming of right that the ratepayers among these 6,000 should keep it in repair, ceases to have such claim when the demands of the population within

its bounds have so far exceeded its means of supply that a new church or churches must be built. Suppose the parish to have become a parish of 60,000 people. It requires nine new churches. Here are nine new centres of population—nine new parishes in effect—nine new developments of the parochial system. There is surely nothing which those who are charged with the care of legislating for the National Church should have provided for more carefully than the distinct parochial position of the inhabitants of each new district; nothing against which they should have guarded more carefully than the natural dissatisfaction which flows from a sense of inequitable treatment in respect of the payment of a public rate.

The consideration of the amendments of the law which are required will find its place more in detail in a subsequent chapter. It is sufficient to notice here a principal ground of the indisposition found to exist in many populous places where district churches have been built, to make active exertions for the defence of Church rate, or even to look favourably upon attempts to abolish it altogether.

The other point is the difficulty of recovery of Church rate by process of law.

The difficulty is so great that the process is seldom resorted to; or if proceedings are commenced, they are frequently abandoned at an early stage. To pursue a rate through the Ecclesiastical Courts, and all the steps of an appeal, is so cumbrous and expensive a process that parishioners do not like to sanction it. And it is easy to understand that men, who find themselves deprived of what they know is their right by an unnatural state of the law, should extend their dissatisfaction to the thing itself, which is the subject matter of the law, and hold that what cannot

CHAP. V.

be had at a reasonable rate may as well not be had at all.

If the several Consistory Courts had been in an efficient state, and if the principle of Mr. Phillimore's act*, by which parole evidence is admitted in proceedings in these courts, had been adopted earlier, the difficulty of recovery would have been greatly lessened. But as it has been for many years, with Chancellors of Dioceses not qualified as a general rule to administer the law, and with no part of the cumbrousness of the old form of proceeding removed, it is not wonderful that the entire system of the Consistorial Courts should have fallen into disrepute. If parishioners could have seen any reasonable prospect of the suit terminating in the Consistorial Court of their own diocese, doubtless many a case of resistance to Church rate would have been disposed of in such sort as to have established the law in respect of the particular parish immediately concerned, and to have furnished an useful example and precedent to other parishes.

To sum up what has been said in this chapter. The principle of assault, in its natural growth and progress, passed on from the demand for toleration to the demand for equality. This latter demand in its turn was

* 17 & 18 Vict. cap 47. An Act to alter and improve the Mode of taking Evidence in the Ecclesiastical Courts of England and Wales. 24th July, 1854:—

"Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in any suit or proceeding depending in any Ecclesiastical Court in England or Wales the Court (if it shall think fit) may summon before it and examine or cause to be examined witnesses by word of mouth, and either before or after examination by deposition or affidavit; and notes of such evidence shall be taken down in writing by the Judge or Registrar, or by such other person or persons, and in such manner, as the Judge of the Court shall direct."

developed into active hostilities against the Church in Parliament, under favouring circumstances of the political and social state. The position of Church rate in the great towns, which had under the new order of things received a large accession of political power, and the quasi-religious nature of the question, which supplies facilities for building up out of its materials a popular grievance, one, moreover, which might be brought home at once to the individual rate-payers of each place, sufficed to guide these hostilities in a particular direction. Entering upon the path thus traced out for them, the abolitionists found circumstances operating within the Church itself which added some considerable stimulus and encouragement to the agitation.

That the position thus taken by the Nonconformist body in respect of Church rates is a thing of modern invention—a position not religious but political—would be hard to deny even if we were not possessed of the fact that the agitation of the alleged "grievance" dates distinctly from 1833, which is also the date of their accession to political power.

That the religious differences of the several denominations of nonconformity, Christian and not Christian, with the Church have been merged in a combined struggle of all denominations for political equality, or rather for the degradation of the Church as Established or National, is patent from the subjoined Appendix to the "Fifteenth Report of the Executive Committee" of the "Society for the Liberation of Religion from State Patronage and Control," published May 20, 1860.

APPENDIX.

CHURCH-RATE ABOLITION BILL.

The Petitioning in Support of the Bill.

CHAP. V.

THE 21st Report of the Petition Committee of the House of Commons states, that up to the 20th of April, 1860, there had been presented—

	Petitions.	Signatures.	Average of Sigs.
For Church-rate Abolition . .	5,447	600,699	(about) 110
Against Abolition	5,459	193,375	„ 35
Majority of Petitioners favourable to Abolition . . .		407,324	

The following statement shows the sources from which the petitions in support of the bill have come, and, in particular, shows the groundlessness of the assertion that the desire for abolition is confined to but a small portion of the dissenting body:—

Petitions.

From Ratepayers and Inhabitants		1,908
"Protestant Dissenting" Congregations . . .		902
Independent		728
Baptist		819
Wesleyans, viz.:—		
Wesleyan Conference Methodists . .	135	
Methodist New Connection . . .	97	
Methodist Free	164	
Primitive Methodists	265	
Independent Methodists	1	
Calvinistic Methodists	108	
United Methodists	10	
Wesleyan Reformers	34	
Wesleyan Association	3	
Total Wesleyan Petitions . .	——	817
Society of Friends		61
United and other Presbyterians		21
Unitarians		46
Countess of Huntingdon's Connection		6

Roman Catholics	27
Bible Christians	107
Various Denominations—including Jews, New Jerusalem Church, &c.	15
Total	5,447

The following list of public dissenting bodies having more or less of a representative character, and who have joined in the petitioning, establishes the same conclusion:—

Congregational Union of England and Wales.—Baptist Union.—General Baptist Committee.—Wesleyan Reform Union.—Protestant Dissenting Deputies.—Liberation of Religion Society. Ministers of the Three Denominations in London.—Board of Congregational Ministers.—Board of Baptist Ministers.—Ministers and Delegates of the Independent Churches of Carmarthen.—Western Association of Baptist Churches.—Durham and Northumberland Association of Congregational Churches.—Monmouthshire English Association.—South Hampshire Baptist Association.—Denbighshire, &c. Baptist Association.—Cardigan, &c. Baptist Association.—Carlisle Meeting of the Society of Friends.—Allendale Meeting of the Society of Friends.—New College, London.—Cheshunt College.—Hackney Theological Seminary.—Rotherham College.—Spring Hill College.—Homerton College.—Rawdon College.—Regent's Park College.—Bristol College.—Airedale College.—Taunton College.—Western College.—Brecknock College.—Lancashire College.—Bala College.—Pontypool College.—Roman Catholic College of St. Edmund.

The Petitions against the Bill.

An examination of the petitions presented up to the 14th of March shows that 1330 petitions—or nearly one-third of the entire number of petitions against the bill at that time presented—came from parishes containing a gross population of only 445,260 persons, including children and dissenters,—a number scarcely equal to a fortieth part of the population of England and Wales. The average of inhabitants of these parishes is 334, and in 144 of them the average number of inhabitants is but 61. It further appears that no fewer than 1,748 petitions have less than 20 names attached to them, and of these 322 are signed by the clergyman and churchwardens only.

CHAP. VI.

SUMMARY OF PROCEEDINGS IN PARLIAMENT.

CHAP. VI.

JUNE 28, 1833, is the date of the first indication of assault in Parliament upon the National Church of England in respect of Church rate. The year 1833 is also the date of the commencement of the assault out of Parliament. The agitation in Ireland, and the near prospect of its success had prepared the way. Great towns had begun to hold meetings to oppose the levying of Church rate, and in one or more instances had refused to levy it.

Up to this time the "grievance" of Church rate had found no place among nonconformist grievances in England. This is demonstrated in many ways, especially by the evidence of nonconformists themselves. The same year which witnessed the first outbreak of the agitation in England witnessed also the publication, in London, of a history of dissenters written by themselves, and containing the passage already quoted, p. 70, "Other dissenters condemn tithes, but Quakers *alone* refuse to pay either them or what are called Church rates."*

On June 28, 1833, the following question was put by Mr. Hawes to Lord Althorp :—

* See Bogue and Bennett's "History of Dissenters," quoted p. 70. Published in London, 1833.

"The noble Lord was no doubt aware that in several of the large towns, at public meetings, resolutions had been carried against the payment of Church rates. That was the case in one part of the borough which he represented. With a view to allay any angry feeling which might arise on that subject in the interval that would elapse between the end of the present and the commencement of the next session of Parliament, he wished to ask the noble Lord whether, in the bill to be introduced for the reform of the English Established Church, the same relief would be given to the Protestant dissenters in this country as was given to the Catholics in Ireland with regard to Church rates."

Lord Althorp could only state, in reply to the question, that the subject had been under the consideration of His Majesty's Ministers, and it certainly appeared to them that it would be most desirable that some arrangement should be made with regard to the payment of Church rates. Looking, however, to the comparatively small funds arising out of that cess in the hands of the Church of England, the question in this country was of much more difficult arrangement than it had been in Ireland.

On March 18, 1834, Mr. Divett moved,—

"That, in the opinion of this House, it is just and expedient that effectual measures should be taken for the abolition of compulsory payment of Church rates in England and Wales."

Lord Althorp moved the previous question, on the ground that "the proper time for discussing the subject would be when he should bring forward the measure which was in contemplation of the Government." Mr. Divett then withdrew his motion.

Lord Grey's Government. April 21.

The House went into Committee on Church rates, on the motion of Lord Althorp.

CHAP. VI.

Lord Althorp began his speech with drawing a distinction between tithe and Church rate. (See Ch. iii. p. 38.) He admitted the grievance of Church rate, and proceeded to review the several remedies proposed.

"The first of these was a recommendation from the Ecclesiastical Courts Commission*, which did not, however, profess to remedy in any way the grievance of the dissenters. The sole object of it was to adopt such a course as would give a more easy and effectual mode of collecting Church rates.

"Another proposition took a middle course, and, whereas the main expenditure of the rates had been upon the internal decorations of the Church, in future to provide in this method merely for the maintenance of the fabric, while other means were found to pay for the necessary decorations in the performance of the service. It had been constantly stated in Parliament by those who advocated the cause of the dissenters, that it was not so much the amount of which they complained as the principle of compulsion. This second plan, therefore, though it might diminish greatly the sum raised by Church rate, would not satisfy the object.†

* This Commission was first appointed January 28th, 1830. It was reappointed with additional Commissioners July 5th, 1831. Its report was ordered by the House of Commons to be printed 27th February, 1832.

After referring to the unsatisfactory state of the law, the Commissioners recommend an appeal by the churchwardens, or either of them, from a Vestry refusing to make a rate to the next Quarter Session; and that the payment of Church rate should be enforced by the same means and remedies as are now applicable by law to Poor rates. This subject is gone into in some detail in Ch. XI.

† It is not necessary to go into the question here how far Lord Althorp's statement of the relative amounts expended on the fabric and on "internal and necessary decorations" is correct. But it is

"Another proposition, which would certainly satisfy the object, was to continue Church rates as at present, but to exempt dissenters from the payment of them. As far as the dissenters were concerned, this would, of course, satisfy them*, but it would be detrimental in the highest degree to the interests of the Established Church. If any person could exempt himself from the payment of Church rate by saying he was a dissenter, he apprehended that the number of dissenters would be greatly and rapidly increased. For this reason he could not prevail upon himself to bring forward a proposition contrary, as he thought, to the plain principles of justice. Another proposition was that of the honourable member for Exeter, which was to abolish Church rates, and to substitute nothing for them, leaving the money necessary for upholding and repairing churches to be raised by voluntary contributions. These voluntary contributions might be sufficient—in some cases, no doubt, they would be sufficient—but he was far from certain that this would be generally the case. While the dissenters had a right to call upon the legislature not to require them to pay money for a Church which was contrary to their principles†, the members of the Establishment had a right also to say that their interests should receive all due attention, and that their principles should

worth observing at how early a stage of the agitation he disposes unanswerably, in a very few words, of the policy of all attempts to make any substantial distinction between the repairs of the fabric and the things necessary to the performance of Divine Service.

* Whether the noble Lord was correct in this view of what would satisfy dissenters at that time, it is hard to say; but it is certain that no proposition of exemption would satisfy them now.

† It is not easy to see how it can be maintained that this argument does not conclude against payment of tithe just as much as against payment of Church rate.

CHAP. VI.

be respected. One of those principles certainly was—one of the consequences of having an Established Church was—that means should be provided by the legislature for the support of the fabric of the church. On these accounts he could not concur entirely in any of the plans to which he had alluded. In the course of the discussion, he believed, of the motion of the honourable member for Exeter*, statements were made which, he was happy to find, concurred very much with the principles of the plan he was about to have the honour to propose. The honourable member for Boston (Mr. Wilks), who might be considered to speak the sentiments of dissenters, said that it was not the amount, but the principle, to which they objected; and he defined that principle to be the compulsory payment of a tax for the express and immediate purpose of supporting the Established Church. In the same debate, the honourable member for Oxford (Sir R. Inglis) had stated that, in his opinion, it was essential that the legislature should provide certain funds for the support of the churches of the Establishment. It had been very satisfactory to him (Lord Althorp) to hear these statements from honourable gentlemen so well informed upon these different sides of the question, because he was desirous that the plan of Government he should have the honour to propose should be in accordance with both these suggestions. The plan he had to propose was that Church rates should be entirely abolished, and that, in lieu of them, the sum of 250,000*l.* should be annually charged upon the land tax †, to be applied in the manner he would state."

* Mr. Divett, March 18, 1834.

† The noble Lord appears to have overlooked the fact that all Church property, tithe included, is assessed to the land tax, so that the clergy, who, under the ancient law, are charged in no respect

The resolution with which Lord Althorp concluded his speech was, "That it is the opinion of this Committee, that, from and after a time to be fixed, the payment of Church rates shall cease and determine; that in lieu of them His Majesty be empowered to grant out of the proceeds of the land tax a sum not exceeding 250,000*l.*, to be applied to the fabric of the parish churches and chapels in such manner as Parliament may direct."

The speech of Lord Althorp has been thus far quoted, not as presenting a statement of the case in all its parts which it is possible to adopt, but as expressing many sound principles; as putting the case on both sides very fairly in its general aspect, and as containing the substance of the greater part of what has been proposed in Parliament on this subject from 1833 to the present day. We find in it,—1. The demand for unconditional abolition: that is, for abolition without any statutable provision for making good the deficiency. 2. The principle of exemption. 3. The proposition for distinguishing between the fabric and the things necessary to the performance of Divine Service. 4. The proposition for enacting some more easy and effectual way of collecting Church rate. 5. The proposition for providing an equivalent, or supposed equivalent, out of the public purse.

If we add to these five propositions as stated and argued by Lord Althorp, (1) the proposal to raise

with contributing to Church rate, would virtually and in principle be included among the payers of Church rate. A little further on in his speech he proposes, indeed, to release the rector or the lay impropriator from the burden of repairing the chancel, but an equivalent is exacted in imposing upon him the duty of providing all that was absolutely necessary for the performance of Divine Service.

CHAP. VI. 1834.

funds to meet the deficiency caused by abolition, to be derived from an improved management of Church property; (2) the proposal for redemption or commutation of Church rate; (3) the proposal for raising funds by rent of pews and sittings; (4) the proposal to grant exemption to all who see fit to claim it, Churchman as well as nonconformist,—we have, in substance, all the plans for the alteration of the custom and law of Church rate which have been brought under the notice of Parliament during the twenty-eight years that the agitation has taken an active form.

The propositions, then, for "the settlement of the Church rate question" as brought before Parliament, may be classed under nine heads:—

1. The enacting some easy and effectual mode of collecting Church rate.—Ecclesiastical Commission; Lord Althorp's speech, April 21, 1834. (Lord Grey's Government.)

2. Abolition, "pure et simple."—Mr. Hume, Mr. Divett, Mr. Harvey, Sir William Clay, Sir John Trelawny.

3. Abolition "*sub modo compensandi.*"

(*a*) Equivalent, or supposed equivalent, out of land tax; Lord Althorp (Lord Grey's Government), 1834.

(*b*) Equivalent out of general resources of the country; Sir Robert Peel, 1835, in debate upon Mr. Child's case.

4. Abolition "*sub modo spoliandi.*"—Meeting deficiency caused by abolition with funds to be created by improved management of Church property.—Mr. Spring Rice (Lord Melbourne's Government), 1837; Sir William Clay, 1853.

5. Exemption of dissenters.—Mr. Duncombe, 1840;

Mr. Easthope, 1840; Mr. W. Page Wood*, 1849; Mr. R. Phillimore, 1853; Mr. Hubbard, 1860-1.

6. Retaining rate for fabric and churchyard, but not for necessaries of Divine worship.

7. Redemption and commutation of Church rate.—Mr. Packe, Mr. Alcock.

8. Making good deficiency by charge upon pews and sittings.—Mr. Easthope, Mr. Packe, Sir William Clay.

9. Exemption of all who please, Churchman as well as nonconformist.—Report of Lord's Committee, 1860.

The proposal to tax the clergy to make good the deficiency caused by abolition of Church rate does not appear to have been formally before Parliament, but it is referred to in the speech of the Chancellor of the Exchequer, 1837, as impossible to be entertained.

Of the above nine proposals the first only is consistent with the preservation *in its integrity* of the principle of a National Church. (*a*) and perhaps (*b*) of No. 3 are open to the objection that they propose a fixed amount to meet a continually increasing charge. This is also true of No. 7.

All the proposals (save and except No. 2) are alike open to the objection that they do not meet, but evade, the principle and purpose of the agitation. The question has from the first been what it is now; that is to say, a question of keeping or of abandoning the principle of a National Church; and has always been so understood by those who have agitated it.

In Lord Althorp's speech we find, "To the sum of 250,000*l.* to be taken from the land tax might be

* Mr. W. Page Wood introduced the principle of excluding dissenters from Church vestries as one result of their exemption from Church rate. See his amendment to Mr. Trelawny's motion, March 13, 1849.

CHAP. VI.

1834.

added about 50,000*l.* which was obtained from landed property belonging to the Church."

To Lord Althorp's resolution Mr. Hume moved the following amendment: "That it is the opinion of this House that, from and after a time to be fixed, the payment of Church rates in England and Wales shall cease and determine."

The Committee divided on the original motion :—

Ayes, 256 ; Noes, 140 : Majority, 116.

The measure was not proceeded with.

1835. Lord Melbourne's Government.

In the House of Lords, May 27, 1835, Lord Brougham, in presenting petitions against Church rates, adverted to the case of Mr. Child imprisoned in Norwich gaol for nonpayment of Church rate, and stated that, while he wished to see the system of Church rate altered, he disapproved of resistance to the law of the land. The case of Mr. Child was gone into at length in the House of Commons, May 25. In the course of the debate Sir Robert Peel said,—"Had he remained in office he should have attempted to effect an immediate settlement of Church rates. It was his intention to have adopted the principle of the noble Lord (Althorp), to extinguish all equivocal and objectionable charges, but to provide for the repairs of the fabric of the church by an annual provision to the extent of the objects contemplated by the noble Lord, not out of the land tax fund, but out of the general resources of the country."

1836. May 2.

Lord Stanley asked a question, whether it was the intention of His Majesty's Government to bring forward a measure respecting Church rates in that session. Lord John Russell said in reply that it must depend upon the House joining with him in the opinion that Church revenues should be disposed of in a manner conformable to the recommendations contained in the report of the Commissioners, and that there should be

a disposition on the part of the House to relieve all the prominent grievances of the dissenters.

1836. May 2.

The question was repeated by Lord Stanley, June 20th, 1836. The answer of Lord John Russell was to the same effect. On August 19th, in answer to a question from Mr. Harvey, Lord John Russell declined to state the nature of the measure which he should have to submit to the House.

1837. March 3.

The Chancellor of the Exchequer moved for a Committee of the whole House, to consider that part of His Majesty's speech which related to Church rates. The speech contains a strong declaration against leaving the Church to the action of the voluntary principle; also against introducing a distinctive system of taxation, *i. e.* the levying taxes exclusively upon the members of the Church*, as inconsistent with the first principles of an Establishment, as involving new tests, and as, generally, being too absurd and manifestly objectionable to require further observation. After reviewing and rejecting the several proposals before Parliament for the settlement of the question, it concludes with the proposal to abolish Church rates, and to replace them by a surplus to be created by an improved management of Church property. He concluded with moving the resolution following:—

Resolution.—"That it is the opinion of this Committee that for the repair and maintenance of parochial churches and chapels in England and Wales, and the due celebration of Divine worship therein, a permanent and adequate provision be made out of an increased value given to Church lands by the introduction of a new system of management, and by the application of the proceeds of pew-rents, the collection of

* This is, in effect, a declaration against exemption.

CHAP. VI.

Church rates ceasing altogether from a day to be determined by law; and that, in order to facilitate and give early effect to this resolution, the Commissioners of His Majesty's Treasury be authorised to make advances on the security, and repayable out of the produce, of such Church lands."

1837. March 9.

The Archbishop of Canterbury, in presenting petitions, declared, on his own part, and that of the Bishops generally, a strong objection to the scheme of Government.

The division upon the Chancellor of the Exchequer's resolution was taken on March 15th:—Ayes, 273; Noes, 250: Majority 23. On May 22nd of the same year the majority fell to 5: 287 to 282. The measure was not proceeded with.

This is the last instance of an attempt upon the part of Government to deal with the Church-rate question.* The plan of the Government had the general approval of the "Liberal" members, but one of them, Mr. Goring, protested against it, as a direct aggression upon the Established Church.

In the debate in Committee upon the resolution of the Chancellor of the Exchequer, March 13th, 1837, Sir Robert Peel said:—

"In a work recently published he found explicitly discussed the question, What would be the degree of satisfaction we might expect to arise from the abolition of Church rates? It was there distinctly asked in the following words:—'But let us suppose the Church rates abolished and the dissenters entirely relieved from any share in the cost of maintaining churches

* Unless Mr. Walpole's bill in 1859 is to be regarded as a Government bill. See Mr. Disraeli's answer to Mr. Bright, March 7th, 1859.

which their ministers are not allowed to occupy, and religious services of which they decline to avail themselves — will they be satisfied with the redress of this grievance? Our reply to this question shall be explicit. They will be satisfied with nothing short of the recognition of those principles upon which, in resisting this ecclesiastical impost, they take their stand.'* That principle, he apprehended, went to this extent, that the continuance of an Establishment constituted a civil inequality between Churchmen and dissenters, and that the latter would never be satisfied while the principle of an Establishment existed; and although the tenure of tithes might be different from the tenure of Church rates (qu. ?), and the one had its origin at an earlier time than the other (qu. ?), yet that the objection in principle would be equally applied." He added: "That he was ready, as in 1834, to vote for a provision in lieu of Church rates out of the public purse. But if the objections of the dissenters were not to the pecuniary charge, but amounted to or were connected with the principle of an Establishment, then he (Sir R. Peel) must abandon the idea that tranquillity would be the result of such a measure, because the objection to the principle of an Establishment would still remain unmitigated by the concession."

This appears to be the explanation of the difference between Sir R. Peel's language in 1835 and 1837.

June 12. Lord John Russell, adverting to the narrow majority in favour of the plan of Government on May 22nd, moved for a Committee upon Church leases, with a view to see what amount might be raised from another system of management of the property to supply the loss of Church rate.

* Eclectic Review.

CHAP. VI.

Mr. Harvey moved an amendment for abolition "pure et simple."

This was rejected by 489 to 58: Majority, 431.

The main question was affirmed by 319 to 236: majority, 83.

Mr. Goulburn moved that any surplus which might appear be applied to make good the deficiency in the means of religious instruction and pastoral superintendence.

Ayes, 265; Noes, 291: Majority, 26.

1838. May 3. Lord John Russell moved the re-appointment of the Committee.

Mr. Liddell moved an amendment to the same effect as Mr. Goulburn's in the preceding year.

For amendment:—Ayes, 254; Noes 265: Majority, 11.

1839. April 30, and July 3. The case of John Thorogood, a Protestant dissenter confined in Essex county gaol for nonpayment of 5*s.* 6*d.* Church rates, and for neglecting to appear, was brought before the House by Mr. Baines and Mr. Duncombe, and a resolution come to, "That it is the opinion of this House that it will be the duty of the legislature, at the earliest possible period in the next session of Parliament, to make such alteration in the existing law of Church rate as shall prevent the recurrence of a like violence being ever again inflicted upon the religious scruples of that portion of Her Majesty's subjects who conscientiously dissent from the rites and doctrines of the Established Church."

1840. Feb. 11. First proposal of "Exemption." Mr. Duncombe, after adverting to the resolution of the House in Thorogood's case in 1839, quoted the "Edinburgh Review" as authority for the proposition he was about to make, viz.: "A bill to relieve from payment of Church rate that portion of Her Majesty's subjects who conscientiously dissent from the rites or doctrines of the Established Church."

This was opposed by Lord John Russell, who said:— "All that he was at present prepared to do was to provide that some bill should be introduced to Parliament proposing that the remedy for nonpayment of Church rates should, in the first place, not be by summons to the Ecclesiastical Courts. He did not think these were the proper places in which the remedy should be sought, because he considered the payment of Church rates to be entirely a civil payment, and that the Ecclesiastical Courts were therefore not the proper tribunal to interpose, but ought to be excluded from enforcing the payment of Church rate. He thought also that, as it was a civil payment, the remedy ought not to be against the person, but against the goods. That was usually the way, he believed, in which the payment of tithes was enforced, and he thought Church rate ought to be recovered in the same manner. With these statements, therefore, while he declared that he was quite ready to introduce a bill, which would not take away Church rates, but prevent the recurrence of a case like that which had just been brought under the notice of the House, he must say that he was not prepared to agree to any measure which would tend to weaken the Established Church. He must therefore oppose the measure of the honourable gentleman, because it was not founded on sound principles, and, if adopted, would lead, he believed, to very dangerous consequences."

Mr. Duncombe's motion was rejected by 117 to 62: Majority, 55.

Mr. Easthope: Bill to relieve dissenters from the Established Church. The Speaker observed that it was the same question with that already disposed of in the negative on February 12th. Upon this the motion dropped. July 7.

CHAP. VI.

Lord Brougham said that he hoped it was the intention of Government to bring in a bill for exemption of

1841. Feb. 4. dissenters from payment of Church rate.

Lord Melbourne could not say that Government had any such intention.

March 16. Mr. Easthope presented the petition of William Baines, imprisoned in Leicester gaol for nonpayment of 2*l.* 10*s.* of Church rates and costs, and moved that it be printed with the votes.—Agreed to.

March 18. He moved, "That Mr. Baines' imprisonment, being inflicted for his refusal to pay a demand which was contrary to his conscience, was a violation of the principles of religious liberty."

This was resisted by Lord John Russell and Sir Robert Peel, and was negatived by 45 to 40.

May 25. Mr. Easthope: "Bill to abolish Church rates, and to empower the members of the Established Church to lay a tax upon pews and sittings for maintenance of churches."—Leave given: read first time June 8th.

1842. Feb. 4. Sir Robert Peel's Government. Sir John Easthope asked Sir Robert Peel whether Government would introduce any measure that session respecting Church rates.

Answer in the negative.

Sir John Easthope: "Bill to abolish Church rate, and make other provision for the maintenance of the churches and chapels in England and Wales."

Leave refused by 162 to 80: Majority, 82.

Sir John Easthope asked Sir Robert Peel the same question as on Feb. 4.

August 2. Sir R. Peel said: "I cannot sanction any expectation that Her Majesty's Government are prepared to bring forward a bill on the subject of Church rates."

1843. Feb. 7. In answer to Mr. Duncombe, Sir Robert Peel said that he did not contemplate any measure for transferring the charge either to the consolidated fund or to

ecclesiastical revenues. He did not, however, mean to speak as precluding himself from legislation on the subject.

1844. May 2. Mr. Duncombe presented a petition from Warwick on the subject of some seizures for Church rate.—No proceedings.

1845. Nil.

1846. Nil.

1847. Dec. 16. Lord John Russell's Government. Colonel Salwey asked whether Her Majesty's Government intended to bring in a bill for the relief of dissenters objecting on grounds of conscience from payment of Church rates.

Lord John Russell replied in the negative.

1848. Nil.

1849. March 13. Mr. Trelawny moved, "That it is the opinion of this House that effectual measures should be immediately taken for the abolition of Church rates."

Mr. W. Page Wood moved as an amendment to leave out all the words after "for;" to insert, "discharging persons dissenters from the Church as by law established from contributing to Church rates, and from taking any part in levying and assessing the same."

Amendment rejected by 183 to 20; the main question by 119 to 84.

1850. Nil.

1851. April 8. Mr. Trelawny moved and carried the appointment of a Select Committee to consider the law of Church rates, and the difference which exists in various parts of the country in the assessment and levy of such rates, and to report their observations to the House.

1852. Lord Derby's Government. The Committee did not recommend any measure in their report.

Nil.

1853. May 26. Lord Aber- Mr. R. Phillimore: Bill to "alter and amend the laws respecting Church rates." The leading feature of

CHAP. VI.

this bill is the same with that embodied in the amendment of Mr. W. Page Wood in 1849.

deen's Government.

Sir William Clay moved as an amendment "to leave out all the words after 'that,' and to insert: 'this House do resolve itself into a Committee to consider whether Church rates should not be abolished, and provision made for the charges to which such rates are at present applicable from pew-rents, and from the increased value which inquiries instituted by authority of the Crown have shown may be derived under better management of Church lands and property.'"

Leave refused by 207 to 185.

Sir William Clay's amendment was lost by 220 to 172.

1854. May 9.

Mr. Packe: "Bill to relieve dissenters from payment of Church rates in certain cases, and otherwise to amend the law respecting the making, assessing, and collecting Church rate."

Leave given.

May 23.

Sir William Clay: "Bill for abolition of Church rate."

Ayes, 129; Noes, 62: Majority, 67.

June 14.

Mr. Packe's bill withdrawn.

June 21.

Second reading:

Ayes, 184; Noes, 211: Majority, 27.

1855. March 29. Lord Palmerston's Government.

Sir William Clay: "Bill for the abolition of Church rate:"—

Ayes, 155; Noes, 76: Majority, 79.

Division on second reading:—

May 16.

Ayes, 217; Noes, 189: Majority, 28.

Lord Palmerston and Lord John Russell voting *against* the bill, and Lord Palmerston speaking against it.

After some debate in Committee, the order was discharged.

Earl Grey, in presenting petitions for abolition, said that "he could not concur in their prayer, because he did not consider, now that it had been decided that the minority of a vestry could not make a valid Church rate, that there was any substantial grievance in the law. Bills had lately been passed, giving to town councils and vestries power to make rates for public libraries. The support of the fabric of our churches was surely, to say the least, as important an object; and he could not see that there was any grievance in a similar power for that purpose. However it might be in large towns, certainly in most parishes its abolition would lead to great injury, and practically deprive the poor of Church accommodation. He should therefore deeply regret to find the law so altered as to enable a few malcontent persons to withhold a Church rate against the will of the majority; nor could there be any injustice in allowing the majority of a vestry to impose a Church rate." July 25. April 17.

The remarks of the Bishop of Exeter, and of the Lord Chancellor, on the same occasion, are very important. (See Hansard, vol. cxxxvii. pp. 1500–1–2.)

Mr. Packe: "Bill to abolish Church rates for other than the purposes therein mentioned: to make provision for the fabrics and necessary fittings of parish churches in certain cases, and to enable persons to redeem their liability to Church rates, and otherwise to amend the law respecting the making, assessing, and collecting Church rate in England and Wales." 1856. Feb. 5.

In explaining the nature and purpose of his bill, Mr. Packe referred to his bill of 1854, which had proposed to divide the rate into two portions—one for the

CHAP. VI.

fabric, the other for the services, with exemption of dissenters from the latter.

The bill now introduced comprised four principal points,—

1. Abolition of Church rate for services.
2. Transfer of payment of Church rates from occupier to owner.
3. A power of redemption or commutation.
4. Making, levying, and recovering, as in case of Poor Law.

Feb. 8. Sir William Clay: Bill for abolition of Church rate.

First reading, no division.

March 5. Second ditto :—

Ayes, 221; Noes, 178: Majority, 43.

Lord Palmerston voted on this occasion in the majority. Lord John Russell spoke and voted against the bill.

On the second reading, Sir George Grey said that he should support it, and introduce clauses expressing the intention of Government in Committee. But nothing to this effect was done, and the bill was abandoned.

The proposal of Government, as stated by Sir George Grey, was to the effect—1. That in those parishes where Church rates had ceased to be levied for years (the number of years he did not state) abolition should be taken to be an accomplished fact. 2. That, for all other parishes, it should be provided that when, for a certain consecutive period, the expression of the inhabitants' opinion was that Church rates should cease

to be levied, there should be a limit to the strife in those parishes, and they should be exempted afterwards from the obligation to provide, by means of a Church rate, for the maintenance of the Church.

In his speech, Sir George Grey referred to a bill introduced May 14, 1855, by the Archbishop of Canterbury. The Archbishop, on March 7, 1856, in presenting petitions against abolition without equivalent, said,—"I heartily concur with these petitions in their prayer, and shall be most thankful if an equivalent can be found, and its efficiency secured. It is true that I laid a bill on the table of the House last year, which it afterwards appeared that this House was not competent to originate: a bill founded on a different principle. But it must not be supposed that those who proposed that measure approved of it as the measure that was most desirable, though they agreed to it as the best measure that seemed practicable. On these grounds only was it proposed by the bishops who were at that time in London, without, as well as I remember, any difference of opinion. *My Lords, no measure can be defended as right in principle which exempts a large part of the property of this country from a payment to which it has been subject from time immemorial, and subject to which every proprietor has received or procured it. I cannot wonder that many insist on this principle, and am surprised that any one should surrender it. I can only repeat that I shall be most thankful to those who, under present circumstances, will show how it can be maintained.*

Mr. Packe's bill withdrawn.

May 21.

Sir John Pakington asked "whether it was the intention of Government to introduce a bill of their own this year upon the subject of Church rates, and, if not, whether they meant to take the course which they had

1857. Feb. 9.

CHAP. VI.

adopted last year, of simply moving amendments on the bill of the honourable member for the Tower Hamlets."

Sir George Grey said "he could give no answer to the latter question till the measure of the honourable member for the Tower Hamlets came before the House. In reply to the former, he had to state that, if the prospect of having sufficient time to deal with the matter had presented itself, he should have been prepared, on the part of the Government, to introduce a bill in relation to Church rates, founded upon the principle of the amendments which he had moved last session, and to which the right honourable Baronet had just referred. In consequence, however, of the great amount of business which was likely to come under consideration of the House, he should not introduce any such measure during the present session."

Sir William Clay: "Bill to abolish Church rates," read first time.

1857. Feb. 12. Sir John Trelawny asked the Government whether they proposed to bring in a Church-rate bill.

May 11. Lord Palmerston said Government was not without hope of being able to do so.

June 4. In answer to a second question, Lord Palmerston said it was the intention of Government to introduce a Bill.

Dec. 12. In answer to a third question, Lord Palmerston "hoped to introduce."

1858. Feb. 11. Sir John Trelawny: "Bill for abolition of Church rate," read a first time.

Feb. 17. Second reading:—

Ayes, 215; Noes, 162: Majority 53.

Lord Palmerston did not vote. Lord John Russell

voted against the bill. The house went into Committee. April 21, the Committee adjourned.

April 27. Lord Derby's Government.

Mr. Puller: "That this House will to-morrow resolve itself into a Committee for the purpose of considering the expediency of providing for the repair of churches and the maintenance of churchyards by substituting for Church rates such an annual rent-charge upon all hereditaments in respect of which Church rates may now be lawfully assessed upon the occupiers thereof, as will most fairly represent the total annual amount now raised by Church rates; such rent-charge to be a fixed and uniform poundage on the rateable value of such hereditaments, and to be made a charge on the owners of the same; the proceeds of such rent-charge in each diocese to form a central fund, from which grants may be made towards the repair of churches and the maintenance of churchyards, and to be administered by a body of persons elected for that purpose."

Ayes, 54; Noes, 317: Majority, 263.

In the course of the debate Lord John Russell said,—"With regard to the subject itself he had only to say that he really could not understand how they could have a National Church Establishment without some provision or other for repairing its places of worship. They had such a provision both in Scotland and Ireland, *and it did seem to him that it was unreasonable to say that they should have a provision to maintain the minister, but no provision to maintain the churches.* He was ready to listen to any reasonable proposal for a substitute for Church rates; although he felt great objections to the proposal of his right hon. friend the member for Morpeth (Sir G. Grey), he would be ready to consent to it rather

CHAP. VI.

than leave the matter as it had been, an occasion of strife. He was willing, he repeated, to consider any fair proposal on the subject, *but if they came to the question of an absolute abolition of the rate, he must vote against that as a violation of the principle of a Church Establishment.*"

1858. June 8. Sir John Trelawny's bill read a third time.

Ayes, 266 ; Noes, 203 : Majority, 63.

Lord Palmerston did not vote. Lord John Russell voted against the bill.

June 10. The bill read a first time in the Lords.

July 2. Second reading:—

Contents, 36 ; Non-contents, 187 : Majority, 151.

1858. July 12. Mr. Alcock : Church-rate Commutation Bill, read first time.

Not proceeded with this year.

1859. March 10. Sir A. Elton : Resolution—

"That this House, considering that Church rates are productive of frequent strife and litigation, and have ceased to be levied in an increasing number of parishes, deems it advisable that they should be wholly discontinued, except for payment of existing charges thereon, and that the maintenance of the fabric of the Church should be confided to the zeal and liberality of the clergy and laity."

Motion, by leave, withdrawn.

1859. Feb. 21. Mr. Walpole : Bill for facilitating voluntary provision for the purposes to which Church rates are applicable, and for the extinction of Church rates where such provision is made.*

In asking leave to bring in the bill, Mr. Walpole gave the following explanation of its substance :—

* For the statistics connected with the bill, see Appendix D.

"In the first place, then, we propose that power should be given to the owners of land, notwithstanding the mortmain laws, to charge their lands with the amount of Church rates which those lands have paid within a period specified in the bill. In the second place we propose, since Church rates are a charge which has existed upon property from time immemorial, that those who have limited estates in their lands should have power to make that perpetual which is now annual: in other words, we propose to give a power of charging their lands not merely to owners of fee, but to tenants for life. In the third place we propose, in order that the charges thus imposed upon property should not be wasted, to make the incumbent and churchwardens in every parish a corporation for this purpose, with perpetual succession. In the fourth place, we propose to aid these rent-charges by encouraging voluntary subscriptions and benefactions. In the fifth place, we propose not merely that these subscriptions and benefactions may, at the will of the donor, be kept as a fund in aid of the charges for the sustentation of the Church, but also that those who contribute them shall have the power of declaring that they will apply their subscriptions and benefactions in exoneration of their lands from the payment that is now due from them. Lastly, with reference to this part of the subject, we propose that where the charges so put upon property voluntarily, with the voluntary subscriptions and benefactions to which I have adverted, shall together equal the amount of the Church rate which has been raised in any parish within a certain number of years from the time the rate was last raised, the Queen shall be empowered by Order in Council to declare that Church rates in that parish are for ever abolished.

CHAP. VI.

"By another clause in the bill we propose, with reference to contracts to be hereafter made, to enable the tenant or occupier of land to deduct any Church rate that may be made in respect of such land from the rent payable for the same to his landlord; in other words, to transfer to the man who is legally bound to pay the rate the actual duty of discharging the obligation, and to free the occupier who may not agree with his landlord in religion.

"We propose (also) that when the rate has been made the collector should take round certain papers, one of which shall contain this simple form of words, to be signed by dissenters:—"I conscientiously object to the payment of Church rates." And we propose that the person who makes this declaration shall be exempt from the rate then in course of collection, and that from that time he shall be free from the obligation to pay the charge. But, as a consequence of this, we also think that any person who claims the benefit of exemption from the obligation should take no part in the vestry meeting which is to consider subsequently the question whether a rate is to be imposed or not, unless he consents to and has paid some rate before he claims the exercise of that privilege. That, then, is the mode in which we propose to deal with this part of the question.

"And the summary is this: that we turn a compulsory into a voluntary payment; that we hope by these means to satisfy the Church, and at the same time to conciliate the dissenter; that we throw upon the occupier the right of charging against his landlord the payment of the rate; and that we relieve the dissenter in the manner which we believe least injurious to the Church and least offensive to his own feelings."

Bill read first time.

Mr. Alcock: Church-rate Commutation Bill, read first time. Second reading deferred, February 23.

Second reading, Mr. Walpole's bill:— Feb. 8.

Ayes, 171; Noes, 254: Majority, 83. March 9.

Lord J. Russell voted against the bill; Lord Palmerston did not vote.

Sir John Trelawny: Bill for Abolition of Church rate, read first time. Feb. 8.

Duke of Marlborough: "Bill to relieve certain persons in England and Wales from the payment of Church rates, and to amend the law relating to the collection thereof:" read first time. March 11.

The Duke of Marlborough said that his bill "proposed that persons who had already contributed to their own place of worship should be allowed to make that a ground of exemption from contributing to Church rates."

Second reading of Sir John Trelawny's bill:

Ayes, 242; Noes, 168: Majority, 74. March 15.

Neither Lord Palmerston nor Lord John Russell voted in this division.

Sir John Trelawny: Bill (No. 2) for abolition of Church rate, first reading. June 9.

Lord Palmerston's Government.

Lord Portman: "Bill to abolish Church rates, and to make provision for the maintenance of the fabrics of churches:" read first time. July 1.

Duke of Marlborough: Select Committee on Church rates. July 4.

In moving for the Committee the Duke of Marlborough said that "the Commons' Committee of 1851 did not fairly represent the feelings and views of that great body which was most interested in the question of Church rates—he meant the Church of England; for, looking at the composition of that Committee, and

CHAP. VI.

the nature of the evidence that was brought before it, he must say that the investigation appeared to be of a very partial character. He found that twenty-three witnesses were examined before that Committee, of whom fifteen were thoroughly opposed to Church rate both in principle and in practice, nine of them being dissenters; of the remaining eight, two were clergymen of the Established Church, in whose parishes most unfortunately disputes had arisen respecting Church rates, and who consequently, whatever their views as to Church rates in the abstract might be, could only speak to the lamentable circumstances which had occurred in their own parishes. There were therefore only six witnesses examined before the Committee who could be fairly said to represent the views which were likely to be entertained by the Established Church on the question, although their evidence comprised a digest of the law upon the subject which was of a most useful character."*

July 5. Mr. Alcock: Church rates' Commutation Bill: read first time.

July 7. Select Committee appointed in House of Lords.

July 13. Second reading of Sir John Trelawny's bill.

Ayes, 263; Noes, 193: Majority, 70.

Lord Palmerston said—"I think I have never before voted for a bill of this description." Lord Palmerston had voted for Sir W. Clay's bill for abolition of Church rate, February 8th, 1856. But on that occasion Sir G. Grey stated on the part of the Government, that they proposed to introduce clauses in Committee. Since that time Lord Palmerston had not voted. On July 13th,

* It is, however, to be noted, that the Committee of 1851 made no recommendation for abolishing or for exempting from Church rate. The obvious conclusion is, that the evidence would not admit of either of such recommendations.

1859, his vote, as Lord John Russell's also, was for abolition "pure et simple."

Church rates' Commutation Bill withdrawn. July 20.

Church rates' Abolition Bill withdrawn in consideration of the advanced period of the session. August 1.

Report of Select Committee of House of Lords. August 9.

Mr. Packe: Address for "Return of all the parishes in England and Wales where Church rates have ceased to be collected; when a rate in such parish was last levied; what sum was collected by rates to keep the church in repair during the last seven years before the rate ceased; and what sum has been raised by voluntary contributions for that purpose since the rate ceased." 1860. Jan. 25.

Sir George Lewis did not wish to oppose the motion. He thought it would be convenient that a short Act of Parliament should be passed making it compulsory on churchwardens to make an annual return in a prescribed form, in the same manner as was now done with highway and other local rates. If it were thought this would be giving a parliamentary sanction to Church rates, and prejudicing the decision of the House, that objection seemed to him not to apply, *since the maintenance of Church rates to a certain extent was contemplated by all the plans for dealing with the question last session.*

Sir John Trelawny: Church rates' Abolition Bill, read first time. Jan. 25.

Duke of Marlborough: Re-appointment of Select Committee. Jan. 30.

Mr. Hubbard: Church rates' Law Amendment Bill, read first time.—Exemption of all persons from payment of Church rate who should be at once dissident from the communion of the Church and unwilling to pay the rate; the condition of exemption being ex- Feb. 2.

CHAP. VI.

clusion from the church vestry for the raising and the application of Church rate. Every district church and chapel to be constituted an ecclesiastical district, and to have a power of raising a rate for its own purposes, and upon the raising of such rate every such church or chapel to be exonerated from contributing to any other church whatever. The assessment and mode of collecting Church rates to be assimilated to that which prevailed with regard to poor rates, and the cognisance of such cases to be withdrawn entirely from the Ecclesiastical Courts.

Feb. 8. Second reading of Sir John Trelawny's bill.

March 15. Ayes, 263; Noes, 234: Majority, 29.

April 27. Lord Palmerston did not vote; Lord J. Russell voted for the bill.

Report of Select Committee of House of Lords.

Sir John Trelawny: Abolition of Church rates Bill, third reading:—

Ayes, 235; Noes, 226: Majority, 9.

Lord Palmerston and Lord John Russell voted for the bill.

April 30. Read first time in the Lords.

June 19. Second reading:—

Contents, 31; Non-contents, 128: Majority, 97.

July 4. Mr. Hubbard's bill withdrawn.

CHAP. VII.

SUMMARY OF PROCEEDINGS OUT OF PARLIAMENT.

1. *Assault.* 2. *Defence.*

THE "Reform Association," which first assembled in or about 1833, and which included Church rate among grievances and abuses requiring "reform," expired in 1851.

The latter years of its existence had not been marked with many symptoms of vitality. This is evidenced by many things, and principally by the establishment, in 1845, of the "Society for the Liberation of Religion from State Patronage and Control."

The place once occupied by the "Reform Association" is thus occupied by the "Society for the Liberation of Religion from State Patronage and Control." For some account of the origin and progress of this Society, see the following extract from the Report of the proceedings of the Fourth Triennial Conference, held in London, May 6 and 7, 1856 :—

"ELECTORAL ACTION, WITH SUGGESTIONS FOR ITS CONTINUANCE.

"A Paper presented by the Rev. E. S. Pryce, Secretary of the Electoral Committee.

"GENTLEMEN,—It is within the memory of many who are to-day assembled, that, on the approach of the general election in 1847, the nonconformist electors of England agreed to act in concert, in op-

CHAP. VII.

position to the system of State-interference with the religion of the country. The results of their concerted action were manifest by the formation, within the House of Commons, of a party respectable in numbers, and still more so in the sterling character of those who composed it; and by the homage which, throughout the kingdom, began to be paid to principles which, up to this period, had been despised and neglected. The work, so successfully commenced, remained unprosecuted by any systematic and continuous effort, until the formation, in April 1855, of the Electoral Committee, which, according to the advice of the Conference, assembled in November 1853, was originated by the Committee of the Liberation of Religion Society. They have pleasure now in reporting to their assembled constituents, that their electoral agency has been arranged, and is conducted under the direction of Mr. Samuel Morley, who has kindly undertaken the Chairmanship, and whose willingness to be engaged in this responsible service they respectfully and gratefully acknowledge."

The name and specific object of this latter Association, when contrasted with the name and general objects of the former Association, appear to be an indication of an important fact, and an instance and a proof of another fact no less important.

They indicate what that is which gave the original impulse to the "Reform" movement; and they instance and prove what that is in which the efforts of "Reformers" have centred for at least the last fifteen years. The general term "Reform" has thus been interpreted by "Reformers" themselves to mean the overthrow of the constitution in Church and State. "Reform" and "Revolution" have thus, unhappily, been made synonymous terms.

It is not easy for any man to deny in the face of the evidence, that the desire to bring about this overthrow was at the bottom of the "Reform" mania in 1830 and following years. It is impossible to deny that the efforts of "Reformers" have for the last fifteen years centred in, and have practically been directed to, this specific object. They know, indeed, very well that, in the same

proportion that they compass this object, they will find all their other objects easy of attainment.

Having thus declared war against the National Church, and organised their forces, the first step of these "Reformers" has been to endeavour to carry the position at what appeared to them its weakest point.

In matters temporal, the natural disposition of man is rather to submit to the authority of other men, than to resist or question it. So it is that it is comparatively a rare thing to find men going beyond the expression of their disapproval of any charge levied upon them in course of law for the support of national institutions or objects, so long as these are of a temporal character. Nor, indeed, if they do go beyond it in any case, are they permitted to do so with impunity. But so soon as the religious element finds its place in any institution, the aspect of the case is changed, and men resist authority as naturally, so to speak, as in the other case they submit to it. The same thoughts and feelings which suggest and justify the resistance supply a palliation of it in the judgment of many who have to legislate or to administer the law; and thus it comes to pass that obedience to the obligation to support a national institution which is of a religious character is practically not dealt with on either side, as being in the same category with obedience to the obligation to support a national institution which is of a temporal character; though in point of right reason, and true citizenship, and GOD'S revealed law, the obligations to obedience be in both cases precisely the same.*

It becomes easy, then, to imagine and to recognise a "grievance" connected with the payment of charges incident to the institution of the National Church, though

* See Ch. IX. p. 188.

CHAP. VII.

it be, so to speak, impossible to make anything of a grievance which is only concerned with the payment of charges necessary to the support of the temporal institutions and objects of the country. The point insisted upon is that, in any sound view of the obligations of a citizen, there is no more room for the assertion, or for the admission, of a "grievance" in the one case than in the other. So long as it is the national will to have a National Church, no citizen has any more ground to say that he is aggrieved by reason of a charge made upon him for its support, than he has ground to say that he is aggrieved by reason of having to pay income-tax for the support of an army or a navy which it is the will of a nation to maintain, but to which he individually objects.

But if men will lay down as a first principle of their nature, and as remaining such under GOD'S revealed law, that every individual man is absolutely free in matters of religion,—however unreal and impossible in the nature of things such freedom be, and however it be contradicted by the personal experience and practice of those very persons who assert it,—they will persist in drawing, and in admitting, a distinction between the obligation of a citizen to support national institutions which are religious, and their obligation to support national institutions which are temporal—will satisfy themselves that it is right to resist the payment of Church rate, though they never dream that it can be right to resist payment of income-tax—will be allowed, or even encouraged, in resistance to the one, though they be visited with penalties for resistance to the other.

The basis upon which they rest their resistance, and upon which it is allowed or encouraged, is unsound; in-

consistent with the notion of a community, and amounts to a rejection, instead of an instance of, a primary law of our nature.

And, whether the above reasoning and conclusions be accepted or not, men should at least be consistent in affirming the principle of their action. Now abolitionists often make attempts to draw a distinction between Church rate and tithe. Surely they must know that, upon their own principle, there is no distinction. Why, then, do they draw it? Because they dare not, as yet, go the length of their own principle; and so they proceed by sap and mine rather than by open assault. They openly assail Church rate—there are special facilities in the case; they undermine at the same time the whole position of the National Church. This includes the tithe; but they want us to understand that they are not aiming at the tithe.

It is so stated by them in speeches, in evidence before committees, in conversation. In various ways dust is thrown in the eyes of the Churchman, which open wide, not indeed to see what is going on, but to receive the dust. But when it is necessary to state his principle favourably *for his own people*, then the abolitionist speaks out.

Thus in the Reports of the "Society for the Liberation of Religion from State Patronage and Control," we read as follows:—

"CONSTITUTION OF THE SOCIETY.

"NAME.—SOCIETY FOR THE LIBERATION OF RELIGION FROM STATE PATRONAGE AND CONTROL.

"OBJECT.—The abrogation of all laws and usages which inflict disability, or confer privilege, on ecclesiastical grounds, upon any subject of the realm.

CHAP. VII.

"The discontinuance of all payments from the Consolidated Fund, and of all Parliamentary grants and compulsory exactions, for religious purposes.

"The application to secular uses, after an equitable satisfaction of existing interests, of all national property now held in trust by the United Church of England and Ireland, and the Presbyterian Church of Scotland, and, concurrently with it, the liberation of those Churches from all State-control."

It is apprehended that by all national property "now held in trust," &c., tithe is intended no less than Church rate.

The manner in which the Society pursues its object will be best presented by extracts from their own reports. These find their way so rarely into Churchmen's hands, and present the character and purpose of the agitation in a shape so explicit and authentic, that, perhaps, nothing can be done more in the interests of the defence than their reproduction from time to time. It is quite impossible for any man to consider these documents, and not to see that when he is asked to vote for abolition of Church rate the request really made to him is that he will vote for the overthrow of the National Church.

"CHURCH RATES.

Report, May 1855.

"On the subject of Church rates, the Committee can speak in more sanguine terms than they were able to do a year ago. As they then anticipated would be the case, the Government has produced no measure of its own to set at rest a question the early settlement of which it nevertheless admits to be matter of absolute necessity. That of Mr. Packe, last session, would have perpetuated Church rates in an aggravated form by compelling all parties to pay for the repairs of the fabrics, and exempting from a 'furniture and services' rate only attendants at Dissenting chapels, who might choose to make a declaration of their Dissent, to be attested by the oaths of their ministers or two of their fellow-worshippers! Such a proposal was not likely to find favour in any quarter, and the Bill being speedily withdrawn, there remained only the simple but deci-

sive measure of Sir William Clay, absolutely abolishing Church rates, except where they had been legally pledged as a security for the repayment of loans. Strenuously opposed by the Government at the first stage, it was yet introduced by a considerable majority; and, encouraged by such a reception, the Committee increased their exertions to promote petitions in its favour, and to bring the influence of electors to bear upon the votes of members on the second reading. To their surprise and gratification, the combined force of the Government and the Opposition failed to secure a larger majority against the Bill than twenty-seven votes—and that in a House of four hundred members, and in the absence of a considerable number of members whose votes had been recorded against Church rates in previous and less critical divisions. The debates on this Bill afforded, in the estimation of the Committee, indisputable evidence of the strength of the position now occupied by the Voluntary party. The admission of Lord John Russell that the objections urged against Church rates apply equally to a Church Establishment—the frank acknowledgment of Mr. Gladstone that those objections are 'irresistible,' with the suggestion that the exaction should be continued only in places where it had been patiently submitted to—and the manly avowal of Lord Stanley, that he had abandoned his own suggested scheme of compromise, in the belief that Parliament has no option but to bow to the decision of the country in the adoption of the Voluntary principle—these and similar occurrences unmistakably indicate the approaching abandonment of taxation for ecclesiastical purposes.

"At the commencement of the present year, the Committee arranged with Sir William Clay for the re-introduction of his Bill, with the addition of provisions adapted to meet the changed circumstances in which it will place the members of the Church of England. Believing it to be possible to carry the measure during this session, they have sought to impress upon their friends the necessity for not only renewing but increasing the exertions made last year, and have furnished detailed information and practical suggestions for eliciting the fullest expression of opinion in the parish vestry, through the public press, and within the walls of Parliament. The time has not come for a fuller statement upon these points, nor for attempts to estimate what has been, or is likely to be, accomplished, as the result of such efforts. But there is significance in the fact, that not only has the Bill been again introduced by a majority of two to one, and in a larger House, but the Government, and the whole Liberal party, have thus far given it their support. The care required in the framing of the clauses to which reference has been made, lest they should, in

CHAP. VII.

any degree, infringe the principles to which the committee of this society must scrupulously adhere, has delayed the printing of the Bill; but it being now in the hands of the public, the Committee trust that it will be found to have ceded all that can be demanded by the Nonconformist, and, at the same time, to have met the reasonable requirements of members of the Church of England who have ceased to regard the retention of an odious impost as essential to the stability of their Church.

"The Committee now await with solicitude the issue of the debate on the second reading, on the 16th May. That issue is, they believe, dependent, primarily, not on the attitude which may be assumed by the Government, nor on the personal opinions of the members of the House of Commons, but on the determination which may be shown by the opponents of Church rates out of doors. The Legislature may not, and probably does not, desire their abolition; but neither does it manifest an inclination to incur the responsibility of rejecting the only proposition which is popular in the country, and against which there has yet been no hostile demonstration on the part of even the alarmists of the Church Establishment. There remain yet two weeks to increase the number of petitions, and to obtain distinct assurances of support from representatives. It is an occasion when every rate-payer and elector opposed to Church rates should contribute to intensify the pressure, without which even our known wishes will be disregarded; and, in the possible event of failure, it should be felt that all our present resources have been exhausted, and that only another general election will terminate the struggle.

"The Committee refer with pleasure to the fact, that local resistance to Church rates continues to extend, and that, stimulated by the suggestion of Mr. Gladstone, the inhabitants of small towns and even villages have carried their opposition to a poll—in many instances with unexpected success, and in all to the advancement of principles destined to effect changes of a graver kind. To afford facilities for effectively conducting these parochial contests, the Committee have issued a new assortment of tracts and bills adapted to the present position of the question, and have also employed a competent professional gentleman to prepare a 'Vestryman's Guide,' giving, in an authoritative shape, information which has, year by year, been increasingly in request. They believe that this work will be of considerable value to those who, in the face of many difficulties, are manfully asserting their parochial rights."

" ABOLITION OF CHURCH RATES.

" The Committee have, during the last two years, laboured earnestly to put an end to the levying of Church rates. The impulse given to parochial agitation by the decision in the Braintree case suggested that such help should be given to the opponents of Church rates as would enable them successfully to carry on local struggles, and thereby to influence Parliament in favour of a measure abolishing them throughout the country. They have, therefore, encouraged applications for practical information and legal advice; and these have been, and continue to be, made with increased frequency, and from almost every part of the kingdom. The aid so afforded has, it is believed, proved of considerable service. Rates have, in many parishes, been refused for the first time within parochial memory: in others, encouragement has been given to opposition, which has but to be persevered in to prove ultimately successful; and, in not a few instances, even minorities have been victorious, in compelling the abandonment of rates too illegal to be enforced. Report, May 1856.

"Nor has the parliamentary aspect of the question been less encouraging. In 1853 a resolution in favour of the abolition of Church rates was supported by but 174 against 222 votes. In 1856 the position of the two parties had been exactly reversed, a Bill for abolition having been read a second time by 223 votes, the minority against it being 180. A minority of forty-eight has thus been converted into a majority of forty-three; being equivalent to a gain of *ninety-one* votes, as the result of three years' exertion. The attitude assumed by successive governments in respect to the question has been equally significant. Up to 1855 Church rate abolition was unreservedly resisted from the Treasury bench. In that year it became an open question with the members of the Government, and in 1856 Sir William Clay has received the conditional support of the Cabinet.

" It was felt by the Committee that the proposal of the Government to promote the settlement of this long-debated question, by grafting certain amendments on the Bill of Sir William Clay, devolved on them no inconsiderable responsibility, in deciding on the course which it would become them to pursue under such altered circumstances. They therefore delayed the expression of an opinion on the point until the amendments described in the speech of the Home Secretary had been placed before the country, when, as the result of careful deliberation, they adopted and published the following resolutions:—

" 'That this Committee, retaining the conviction, that the entire repeal of the law of Church rates would be most consistent

CHAP. VII.

with sound policy, and conducive to the interests of religion, are earnestly desirous that the Bill introduced for that purpose should receive the sanction of the Legislature.

"'That having examined the amendments in such Bill, of which notice has been given by the Home Secretary, they find that they, in effect, entirely abolish Church rates, in a large number of parishes—give power to other parishes to retain or to abolish them, at their discretion—and, where rates may continue to be levied, exempt from payment all who may think fit to declare themselves not to be members of the Church of England.

"'That as these provisions are in harmony with, though falling short of, the object aimed at by this Committee, and do not preclude further proceedings for securing its complete realisation, the Committee deem it expedient to support the Government in its efforts to carry the Bill, as so amended, through both Houses of Parliament.

"'That in arriving at such determination, this Committee hold themselves at liberty, in the event of the rejection of the measure, as so modified, to take any steps for giving complete effect to the principle already affirmed by successive and increasing majorities of the House of Commons.'

"The Committee trust that the course which they have deemed it right to pursue, in respect to this matter, will meet with the approval of the Conference.'

Resolution, May 1856.

"VIII. The Rev. J. H. HINTON of London moved, and the Rev. R. REYNOLDSON of Wisbeach seconded—

"'That this Conference regards with great hopefulness the increasing number of parishes in which the imposition of Church rates is successfully resisted, or the enforcement of them is abandoned, and approves of the steps taken for promoting parochial agitation on the subject; and that the decision of the Executive Committee, in respect to the amendments on the Bill of Sir William Clay, proposed by Her Majesty's Government, meets the concurrence of the Conference.'"

Report of Executive Committee, May 1857.

"It is not necessary either to describe or to denounce the course pursued by the Government subsequent to the second reading of the Church-rate Bill of 1856. Sir William Clay and those who acted with him confided in the assurances of the head of the Government that a 'strenuous and sincere effort ought at length to be made to settle the question.' That confidence was found to have been misplaced, but three valuable months had been lost, when, towards the

close of the session, the Ministry disavowed the intention to make the effort to which it had become pledged. The Committee, therefore, felt it to be needful at once to withdraw the Bill, at the same time giving public expression to their regret that 'the friendly professions of Her Majesty's Ministers had served only to prevent the further progress of the Bill, and to disappoint the just expectations of its supporters,' and to their hope that 'any measure hereafter submitted to Parliament would be restricted in its scope and provisions to the simple and unconditional abolition of Church-rates.'

"The Committee, however, did not delay until another session a fresh attack upon the Church-rate system. They had had experience of the value of opposition in the parishes, and had done not a little to stimulate it, and to render it successful. They, therefore, before the close of the year, prepared a paper of practical instructions, which was sent gratuitously into some hundreds of parishes, in which rates continued to be levied. Their stock of tracts and bills for distribution being exhausted, they issued a much larger and more varied assortment, endeavouring to supply facts and arguments suitable to the existing state of the question, and of public feeling in regard to it.

"The Committee have had ample proof that the circulation of these publications, and the advice and information given to correspondents, constantly increasing in number, have proved of the greatest practical utility. They have the gratification of finding that impatience at the continuance of so vexatious an impost is spreading in the most remote and obscure districts; that minorities are gradually swelling into majorities; and that the tact and firmness of a few often baffle a larger number bent on upholding 'the law,' but ignorant of its actual requirements.

"It may be left to the friends of the Church of England to consider whether its interests will be served by attempts to conceal the extent of the resistance which Church rates have now to encounter. The parliamentary returns published early in the present year have been, and no doubt will continue to be, appealed to, for proof that the opposition is confined to a few parishes; but an examination of these returns proves one of them to be incomplete and delusive, while the other shows, to an unexpected extent, how little of the money raised by Church rates is expended on the edifices, the preservation of which is now the only object for which the advocates of those rates profess to be solicitous. But that there might be no hesitancy on the part of the House of Commons, arising from ignorance of the public wishes, on the re-introduction of the Bill in February last, arrangements were made for such a petitioning demonstration as would, it was calculated, in conjunction with other

CHAP. VII.

measures, secure for the Bill a greatly increased majority on the second reading.

"In planning a parliamentary programme for the present year, it has been thought desirable to concentrate energy on the three points —Church-rate Abolition, Disendowment in Ireland, and the Admission of Jews to Parliament.

"The Committee will not be expected immediately to frame a new parliamentary programme, in the place of that which the dissolution summarily set aside. The Church-rate question is, however, felt to be one which should instantly be pressed, and the Parliamentary Committee are now engaged in arranging for the early re-introduction of the Bill, the principle of which has twice received the sanction of the House of Commons. Sufficient time has not elapsed to enable the Committee to decide on the best mode of dealing with the motion for disendowment in Ireland; but it will probably be found that the brevity of the session just opened, and the large amount of public business to be transacted, will make it undesirable, if not impossible, to renew it during the present year. One feature of the ecclesiastical arrangements of Ireland may, however, be expected to be dealt with by the Government, who, it may be assumed, will not delay carrying into execution the scheme to which they have at length been obliged to resort, and which will abolish Ministers' Money, by paying the recipients of that unpopular tax out of the revenues of the Irish Church. And is it too much to anticipate that the year 1857 will cede to our Jewish fellow-subjects a political right which has been too long withheld, and that a strong Administration will employ its strength in achieving what its predecessors could not or cared not to effect?

"The Committee feel, and desire their supporters to share in the feeling, that while the assailants of the State-Church system may, with great hopefulness, renew their labours, at such a juncture as the present, it will become them to display more than ordinary vigilance and activity. The large number of new members who have entered Parliament, and the vague political creed of many, with the possibility that the Government may propose objectionable compromises rather than thoroughly satisfactory ecclesiastical measures, make it needful that there should be no slackening of outside effort."

Resolutions, May 1857.

"VI. Mr. J. RICHARDSON of Long Sutton moved, Rev. H. MORE of Lowestoft seconded, and it was resolved—

"'That the Council recognises with pleasure the prevalence of the conviction that the abolition of Church rates cannot longer be delayed by the Legislature. It warmly acknowledges the

exertions of Sir Wm. Clay on behalf of the bill for effecting that object, and, while deeply regretting the necessity for placing it in other hands, confidently believes that, by wise and vigorous action, it may shortly be placed on the statute-book.'

"VII. Mr. DEPUTY PEWTRESS of London moved, Mr. ELLINGTON of London seconded, and it was resolved—

"'That the Council would anxiously press upon their friends throughout the country the paramount importance of continuing and extending opposition to Church rates in parish vestry; it being now beyond question that such opposition not only does not depend upon majorities, even for immediate success, but is also of the greatest value in its influence upon the general question.'"

"CHURCH RATES.

Report of Executive Committee, May 1858.

"No inconsiderable amount of time and energy has again been devoted to the movement for the abrogation of the law of Church rates. So far as respects Parliamentary action, last session was lost—in part by the occurrence of the dissolution, but chiefly by the non-fulfilment of the Ministerial pledges. Sir John Trelawny, who, as chairman of the Select Committee of 1851, had naturally taken the place of Sir William Clay, was prepared to re-introduce the bill, the principle of which had been adopted in the previous Parliament, but the Committee deemed it impolitic to peril its success by refusing to wait for the promised measure of the Government. In a few weeks it became evident that that measure would not be forthcoming; but at that time the session, which was necessarily but brief, had become so far advanced as to preclude the introduction of the Committee's bill with any chance of its making substantial progress.

"This year the Committee decided on a line of action intended to prevent further failure from such a cause. Before the session commenced they asked for an interview with Lord Palmerston, with the twofold purpose of ascertaining, if practicable, the real intentions of the Cabinet, and of placing before the Government, and before the country, a decisive refutation of the misstatements of the 'Committee of Laymen,' who had sought to prolong the existence of Church rates, by attempting to show that they were a by no means unpopular exaction. Their request having been acceded to, communications were addressed to a number of the Society's influential friends throughout the country, inviting their attendance as members of the proposed deputation. So general and hearty was the

CHAP. VII.

response, that as many as 140 gentlemen were in attendance on the occasion, and the presence of representatives from nearly eighty distinct localities demonstrated the wide prevalence of antipathy to compulsory payments in connection with the worship of the Almighty.

" It would now be idle to indulge in the language of reprobation in reference to the treatment received by the deputation at the hands of the then First Minister of the Crown. It is enough to say that the immediate purpose of the deputation was effected, in the conclusion at which they arrived, that the Government were no more likely to deal with the question in 1858 than in 1857, and that a Ministerial measure, if produced at all, would probably call for the opposition, instead of deserve the support, of the Abolitionists. They were also equally successful in widely circulating the statistical and other statements prepared for the occasion, and had the satisfaction of finding that their own views and declared intentions met with the concurrence of nearly every Liberal journal in the country.

" The first, and the unanimous, act of the deputation, on leaving the residence of the Minister, was to determine ' to press forward without delay, and on their own responsibility, a Bill for the total and unconditional abolition of Church rates,' and, further, to urge upon objectors to those rates everywhere to contest them in their own parishes. The Executive Committee could not hesitate to endorse a policy so entirely in accordance with their own views. Within ten days, therefore, Sir John Trelawney had, at their request, given notice of the introduction of his Bill. In three more the Bill was in the House of Commons, and was read a first time without opposition; and within another week it had passed the second reading, and by a larger majority (53) than had ever before sanctioned the principle of abolition. Success so swift and so decisive exceeded the most sanguine expectations of the Committee; for time had been wanting to enable them fully to put forth the Parliamentary strength they believed themselves able to command. For that they were prepared on the renewal of the opposition at the next stage, but they had then the satisfaction of finding their opponents bent on avoiding a division, as the only means of avoiding damaging defeat.

" For the first time, therefore, the House of Commons has been engaged in considering the details of a Bill for the extinction of Church rates, and although at this time it would be premature to speculate on the ultimate result, the friends of abolition may be congratulated on the unfaltering spirit of their representatives, and on the unity which has marked their counsels. It is to this stage of

the controversy that the Committee have always looked with solicitude, knowing as they do the strength of the desire in many quarters to effect a compromise rather than to assert a principle; and knowing also that the obstructive tactics of a determined minority, aided by the possible default of yielding allies, may not only protract the struggle, but, for a while, beat back, or seem to beat back, the hitherto continually advancing force of the Abolitionists. As yet, however, those who tenaciously adhere to the existing law, in the hope of retaining ecclesiastical taxation in a new form, or of obtaining some substitutionary fund, have failed to produce any scheme on which they are themselves agreed, or which has the slightest chance of acceptance by the country. Proposals for limiting abolition to municipal towns and parliamentary boroughs — for transferring the tax from occupiers to owners—for meeting the existing charges by an addition of tithes — and for postponing entire abolition for three years, have been successively debated and withdrawn, and, except in one case, without even a division of the House. There still remains to be considered an amendment for the exemption of Dissenters from the payment of the rate; and other equally inadmissible projects will find a place in the Notice Book before the Bill reaches its final stage. The Committee, however, entertain the conviction that they shall best give effect to the wishes of their many constituents, as well as act up to their own ideas of sound policy, by steadfastly adhering to one principle, as applicable to every plan which may be submitted to Parliament, viz. that while no obstruction should be offered to the reasonable proposals of Episcopalians for providing and expending funds for the repairing the edifices of which they are the rent-free tenants, or even for applying afresh public property already appropriated to ecclesiastical uses, it should be firmly insisted, that the authority *to tax*, by legal process, any citizen, of whatever creed, for an ecclesiastical purpose shall everywhere and finally cease.

"A review of recent incidents in connexion with this question will induce the Committee so to shape their outdoor policy as to gain new strength in carrying on their parliamentary movements. Opposition in the parishes is the leverage with which Church rates will be overturned in Parliament, and hitherto silent minorities ought now everywhere to speak. The disposition to do so, it is gladly acknowledged, continues rapidly to increase. The correspondents who spontaneously resort to the Society for information and advice are multiplying every year, and the aid, as thankfully accepted as it has been cheerfully given, has served to strengthen many a single-handed Voluntary, or a small struggling band, in districts of the country where State-church functionaries and their supporters do

CHAP. VII.

not hesitate to oppress all who assert the claims of conscience, or even assume to exercise the rights of Englishmen. This result is still further secured by the careful collection, and wide diffusion of every item of Church-rate intelligence in the pages of the Society's journal, the *Liberator*, which thus serves not only to register every fresh attempt at resistance, but to multiply such attempts by the stimulus of example and the suggestions of experience. At the close of last session the shelves of the Society's repository were restocked with revised and new anti-Church-rate publications, and, if need be, there will be another renewal in the autumn, when fresh means will be devised for facilitating the extinction, in parish after parish, of an impost which, it is now avowed, is claimed less for its own sake than as an assertion of the 'just and inherited rights' * of the Establishment.

"The Committee are by no means disconcerted at indications of a probability that soon the agitation occasioned by Church rates will be diverted into a broader channel, and hasten the public discussion of principles applicable to matters of greater importance than the taxing powers of the Establishment. Unable longer to defend the system on its own merits, its supporters now fall back on the necessity for upholding it, because it involves the principle of a National Church. It is *they* who make the damaging declaration, that unjust exactions are inseparable from an Establishment, and that all the oppressive principles and the practical anomalies which it involves must stand or fall together. It is they who are venturing to challenge inquiry into the title of their Church to a dominancy over other religious bodies, who have so largely met, by voluntary agency, the spiritual wants which State-created machinery has signally failed to supply. Nor is it an immaterial circumstance, that while thus shifting the ground of controversy, the Church-rate party scornfully deny the possibility of conscientious objections to demands urged with an arrogance but little likely to be tolerated in the present temper of the English people.

Report of Executive Committee, May 1858.

"The bondage, the confusion, the helpless inefficiency of our Church Establishment, as an establishment, are becoming intolerable to its devout and conscientious members, happily increasing daily in numbers and in power for good. This very year has brought some new cup of bitterness to almost all its sections, and never were complaints more loud, or longings for liberty more audibly expressed, within its pale.

Resolutions, May 1858.

"IV. Mr. E. S. ROBINSON of Bristol moved, Mr. ARKELL of Plymouth seconded, and it was resolved —

"'That the Council has watched with pleasure the steady progress in Parliament of the Bill for the extinction of Church

rates. That it is convinced that no settlement of the question will be either satisfactory or permanent which is not based on the principle of entire abolition. That the mere exemption of Dissenters would, in many cases, be practically valueless, would be most unjust to those who are unconnected with any religious body, and would continue that to which the Council most strenuously objects, the employment of the coercive power of the law for the maintenance of any religious institutions.'

"V. Mr. JOHN DOULTON, Jun. of London moved, Mr. J. L. FOSTER of Hertford seconded, and it was resolved —

"'That in the opinion of the Council it is imperatively needful that parliamentary action against Church rates should continue to be supplemented by opposition in the vestries. That, in particular, it is the duty of minorities in small towns and in villages to protest against the perpetuation of the tax in such localities, on the assumption that it is not objected to by the inhabitants. That, while deprecating the evil consequences of such parochial agitation, the Council deems it to be called for as a practical refutation of recent misstatements of the upholders of the existing law.'

"VII. Mr. APSLEY PELLAT (Staines) moved, Mr. JOSEPH SPENCER (Manchester) seconded, and it was resolved —

Resolution, Fifth Triennial Conference, June 1859.

"'That the carrying of the Church-rate Abolition Bill through the House of Commons, with the decisive defeat of an objectionable compromise, and the subsequent second reading of Sir John Trelawney's Bill by an undiminished majority, are facts which are regarded by this Conference as indicative of the approaching termination of a long and arduous struggle. That, at the same time, the members of the Conference pledge themselves to unabated activity, both in Parliament and the parishes, to put an end to the exaction, and authorise the Executive Committee to adopt such ulterior measures as may be called for, by a continued resistance of the Peers to the wishes of the people, as constitutionally expressed through their representatives.'

"ABOLITION OF CHURCH RATES.

Report, June 1859.

"Three additional years of opposition to Church rates have done much to hasten their extinction. The last Conference was congratulated on the conversion of a parliamentary minority of 48 into a majority of 43; and now it can be announced that that majority has been nearly doubled. The Committee then deemed it wise to

CHAP. VII.

assent to certain modifications of their measure proposed by the Government, and calculated to render it more acceptable to Parliament. They have since defeated an attempted Government compromise by the largest majority they have ever succeeded in obtaining; and, in spite of strenuous opposition, their own Bill has been, for the first time, placed upon the table of the House of Lords.

"The spirit of conciliation and forbearance displayed in 1857 having proved unavailing, their subsequent policy has been uncompromising and decisive. A numerous deputation having, last year, vainly sought from the Prime Minister a fulfilment of the pledge supposed to have been given by the Government, in less than three weeks Sir John Trelawney — with an energy which the Committee wish publicly to acknowledge — introduced and carried the second reading of his Bill. In six weeks also from the opening of the recent session, it had again been brought to the same stage; the Bill of the Government having within the same period been decisively rejected.

"Tedious as this warfare may appear, the well-wishers of this Society have no reason to be dissatisfied with either its character or its continuance. The majorities in favour of abolition not only increase numerically: they increase in significance also. The majority of seventy-four last year was declared to be indicative only of the desire of the House of Commons for a settlement of the question and through the agency of the Government. It has since been made a Cabinet question, and what was declared to be the last compromise which could be offered has been unhesitatingly condemned, while precisely the same majority has again been obtained for abolition. And on this last occasion it has been secured in spite of emphatic warnings that the extinction of Church rates will be fatal to the Establishment, and that the promoters of the Bill intend, step by step, to compass its destruction.

"The Committee are by no means concerned at the possibility that the House of Lords may again offer successful resistance to the wishes of the Commons; seeing that such persistency will but stimulate agitation in the parishes, and facilitate attacks on the State-Church system more vigorous than any to which it has been yet exposed. Already the Committee have felt it needful to consider whether the time may not come when the ecclesiastic fabrics for which, in virtue of their national character, all are obliged to pay, shall not be subject to the control and be used at the discretion of the rate-payers. They also know that every year the amount wrung from the community in the form of Church rates is diminishing —that year by year they are training increasing numbers to assert

the rights of conscience by an exercise of their parochial powers — that they have to meet a growing demand for their publications, and continually to afford to fresh applicants legal advice, the value of which is gratefully acknowledged, and in many cases conclusively proved. The influence of the Society is thus making itself felt in a constantly extending circle; and it is finding zealous allies in every nook and corner of the country. While, therefore, Parliament is perseveringly urged to pluck up with a strong hand this root of bitterness, there will be found ample consolation for delay in the fact, that while Church rates are tenaciously defended, less for their own sake than to save the Establishment, the rates are vanishing and the Establishment, as such, is being undermined.

"They have sent out various publications on the Church-rate question in very large numbers, and the circulation of the *Liberator* —which is, they believe, increasingly appreciated—is annually becoming more extensive.

"PRESENT POSITION OF THE MOVEMENT.

"The Committee believe that they express the opinion of all their friends in giving utterance to the conviction, that fifteen years of patient toil have received an ample reward in the present position and in future prospects of their great enterprise. Having in view the slenderness of their resources, their limited personal agency, and the unfriendliness once shown even by some professed Voluntaries, they are grateful at having been permitted to accomplish more than could have been looked for in 1844, and can now accept with fresh ardour the onerous responsibilities which will yet rest upon them. Report, Fifth Triennial Conference, June 1859.

"It is no longer deemed visionary to seek by constitutional means to free Christianity from State trammels, and the people from ecclesiastical disabilities. The liberation of religion from State patronage and control is now recognised as an approaching fact, and one which many devout members of the Church of England can now contemplate without alarm. The energies once expended in upholding that Church as a political institution now more fittingly find outlets in agencies which are instinct with the spirit of self-reliance. Discontent with the existing relations of Church and State represses all enthusiasm in resisting change, and internal divisions make it impossible to meet with a united front incursions from without. Nor does Parliament display any disposition to draw a line beyond which it will not advance in the direction to which we look; but, on the contrary, shows itself to be willing to go as far, and as fast, as public opinion is likely to demand. The pathway along which this organisation has to travel is, therefore, clear as it has never been before,

CHAP. VII.

and hope comes in aid of duty, to cheer us in faithful service to a cause on which GOD's blessing may be asked, as by its triumph His honour will be promoted."

REPORT OF THE EXECUTIVE COMMITTEE.

May 1860. "IF the duties of the Executive Committee during the past year have not been unusually onerous, they have never been discharged under equally critical circumstances. In the first years of the Society's existence little else was practicable than the exposition of its principles, and the enforcement of the duty of resorting to political action to obtain for them legislative recognition. The success of those earlier labours was followed by the construction of machinery designed to influence the election of parliamentary representatives and the practical business of legislation. These efforts also proved so effective, that session after session witnessed the success of some measure more or less embodying the principle of religious equality. It then became evident to the supporters of the Church Establishment that the exertions of such an agency could no longer safely be despised; and that however distant might be the avowed acceptance by the legislature of the Society's principle, the persistent application of that principle to all the practical evils of the prevailing system would, sooner or later, issue in its destruction. There were signs of this feeling of alarm in 1858. Last year it became deeper and more demonstrative; and, at the present time, among the Protestant bodies of this country, none are so disquieted on political grounds as are the members of the Episcopal Church.

"The advocates of Voluntaryism have therefore reached a new stage of their great enterprise. Henceforward they may reckon upon the most determined antagonism, instead of indifference or of contempt. The separation of the Church from the State is an idea of which politicians have at length come to have a distinct conception; while the fear with which it is regarded is an admission of the possibility of the event.

"The influence of this feeling has already become apparent. It is now declared that Parliament must deal with ecclesiastical questions less in accordance with their intrinsic merits than with the political exigencies of the Church of England. Nothing is to be conceded to agitation the motive power of which springs from hostility to a Church Establishment. Wrongs are not to be redressed, and anomalies are not to be removed, if the position of the dominant sect will be thereby in any degree lowered. For the sake of the citadel, it is declared, there must be no surrender of the remotest outwork; and, as a

struggle for existence is impending, it is urged that it will be wise to enter upon it now.

"The Executive Committee do not complain of this state of things, nor are they in the least disconcerted by it. They who conscientiously regard the machinery of public law as a fitting instrumentality for the diffusion of the Gospel may be expected resolutely to resist proposals to abandon it; while the classes whose personal interests are bound up with the Establishment will never desert it while it is capable of defence. The originators of this organisation, from the first, anticipated the severest conflict as inevitable for the realisation of their aims; and if that conflict is now imminent they rejoice, rather than are discouraged, that it should come so soon. It will, indeed, be needful for them to shape their future course with the utmost wisdom. They may be less sanguine in their expectation of immediate results. They may even lose the aid of some who had not counted the cost of such a warfare. But, in the end, it will be found that their progress, while apparently slower, has been surer than before; since the seeds of truth will be sown broadcast in a soil prepared for its reception, and every advance will be made with an intelligent consciousness on the part of the public of the point which will ultimately be reached.

"THE ABOLITION OF CHURCH RATES—THE LORDS' COMMITTEE—PETITIONS.

"It is a suggestive fact that this new display of zeal in the cause of State-Churchism has been evoked by a desire to perpetuate taxation for ecclesiastical purposes. For more than a quarter of a century the absolute necessity for amending the law of Church rates has been generally admitted; but the supporters of the system had shown themselves to be either unwilling or unable to effect any change. Meanwhile, the opponents of the exaction had, by patient and unwearied effort, obtained steadily increasing majorities in support of a bill for its abolition. The House of Lords had rejected it, and by a majority intended to convince them of the utter hopelessness of their purpose. But, with the opening of the next session of Parliament, the measure which it was thus sought to destroy was again presented to the Lower House, and, simultaneously with it, the rival bill of Lord Derby's administration. The attempt at compromise was decisively, and almost contemptuously, defeated; while the uncompromising measure of Sir J. Trelawney was read a second time, by a majority as large as was secured prior to its rejection by the Peers. Then followed the dissolution of Parliament, and an election at which this question was distinctly raised at almost every hustings in the

CHAP. VII.

kingdom. There could be no doubt as to the issue, when, in a few weeks, the bill for abolition was read once more a second time, and by nearly the same majority as on the two previous occasions. It then became evident that the onus of rejecting the bill would be again thrown upon the Upper House; and that, if the principle of Church rates was to be saved, some new mode of resistance must be resorted to. With this view it was resolved to uphold Church rates as an integral part of the Establishment; to excite the feelings of liberal Episcopalians, by pointing to the 'ulterior designs' of the abolitionists; and, especially, to inflame popular sentiment by representing them as contemplating a gross violation of the rights of property.

"It was to collect materials for this intended movement that the Duke of Marlborough last year moved for the appointment of a Select Committee, professedly 'to inquire into the present operation of the law and practice respecting the assessment and levying of Church rates.' Acting in the spirit in which it was appointed, that Committee examined numerous Episcopalians more or less in favour of Church rates, but only such Dissenters as were likely to express opinions of the desired hue, or from whom could be extracted the particular information which it was the primary object of the inquiry to elicit. Hence it was that the two members of this Society, to whom such frequent reference has since been made, came to be examined. They were summoned witnesses; examined by a hostile tribunal, bent on obtaining from them all that could afterwards be employed to prejudice the measures of which they were the advocates.

"Under such circumstances, the Executive Committee, without feeling themselves responsible for opinions avowedly expressed by them in their individual capacity, think it due to Mr. Morley and Dr. Forster to declare that they do not share in the feelings of surprise which, in some quarters, have been expressed, at the frankness with which those gentlemen acquainted their lordships with facts and opinions which had been published from the very birth of this institution, as well as had been repeatedly alluded to in both Houses of Parliament. In their solicitude to maintain an unjust impost, their lordships have done more to call attention to the Society's principles than the Society itself had been able to do in fifteen years; and, whatever may be the immediate effect, the Committee believe that a spirit of inquiry has now been evoked which will accelerate their ultimate triumph.

"The prorogation of Parliament prevented the further progress of the Church-rate Bill, but its opponents lose no time in turning to account the parliamentary publication which had been compiled for

their use. Throughout the recess meetings were held in many parts of the rural districts, and as they were, for the most part, confined to the clergy, and were strictly private, it was easy to indulge in denunciations of the Liberation Society, and to put forth, uncontradicted, misleading statements which could afterwards be circulated through the press. Several organisations, both local and central, were formed for the defence, not of Church rates only, but of the Establishment itself; and the ecclesiastical machinery of parishes, rural deaneries, archdeaconries, and dioceses, was called into requisition to originate petitions in opposition to the Bill for Abolition.

"The presentation of 3700 petitions—since increased to 5459—gave plausibility to the assertion that there had set in a reaction in favour of the Church-rate system; but an examination of the official petition reports shows that, as a demonstration of opinion, the movement has been a signal failure. Very few petitions have come from populous localities; the signatures to each do not on an average exceed thirty-five; and of those presented up to the 14th of March, nearly one-third were from parishes containing scarcely a fortieth part of the population; while 1748 had less than twenty names attached, and 322 represented the parochial clergyman and churchwardens alone.

"On the second reading of the Bill its avowed opponents mustered more strongly than on previous occasions, and its supporters only in the same numbers as last session, and hence the majority fell from seventy to twenty-nine votes. The Executive Committee were not surprised at their inability to retain, in a House of Commons like the present, majorities as large as were secured when Church rates were not considered to be in jeopardy. They, however, judged that the time had come when, by a decisive step, it should be conclusively shown how delusive was the supposition that the desire to extinguish Church rates was confined to a small section of the Dissenting body. Accepting the test resorted to by opponents, it was resolved to ask the supporters of the Bill to make known their wishes also to the Legislature by the exercise of the right of petition. The result is yet fresh in the recollection of the public. Within six weeks as many petitions were forthcoming in the support of the Bill as had been obtained against it in the same number of months; the total number to the 20th of April being 5447, with 600,699 signatures, or an average of 110 signatures to each petition; the petitioners on the other side numbering but 193,375. From all parts of the country; from almost all religious denominations; from the bodies accredited as the best representatives of Dissenting opinion, as well as from town-councils and inhabitants of the populous

CHAP. VII.

towns, irrespective of religious distinctions, there came an unhesitating and enthusiastic response,—the one prayer of the petitions being for total and unconditional abolition.*

"That the 3000 petitions poured into the House of Commons, within four and twenty hours preceding the Committee on the bill, had not been ineffective, became evident when it was announced that the obstructive amendment, of which notice had been given, would not be persisted in, and was further shown in a marked change in the tone of the discussion, as the measure rapidly passed through Committee.

"The Bill has since passed the House of Commons, but, to the great disappointment of the Committee, by a majority on the third reading not greater than nine votes. An analysis of the votes shows that this unexpected result is attributable, not to the increased strength of the opposition, who, in fact, had fewer votes than on the second reading, but to the absence, unpaired, of sixty members who had previously voted for the Bill—thirty-two of these being members for English, and twenty-two for Irish constituencies. It has not yet been possible to ascertain the causes of this serious defection at so critical a moment. It is doubtless, to some extent, attributable to accidental circumstances, while it may also be ascribed in part to a belief that the Bill was no longer in any danger. In any case the duty of Abolitionists outside the walls of Parliament is plain. They now know who may, and who cannot, be relied upon for steady support, and it will be needful for them to convince their representatives that this is a question which will admit of no further trifling, and that occasional votes only in favour of the Bill will not be deemed a satisfaction of hustings' pledges, but that there must be determined and persistent exertions to pass it into law.

"It may happen that the House of Lords will now be encouraged to renew their high-handed rejection of the measure; but recent events indicate the probability that they will rather seize upon a seeming opportunity for endeavouring to effect a compromise.

"Nothing more certainly marks the progress made by the Abolitionists than the fact, that even a Committee of Peers, with members of the Episcopal bench, should now be willing to exempt from the payment of the tax all who may formally object to it. Yet even this concession, liberal as it undoubtedly is, is open to strong objections, which have been stated at length by the Committee, in a petition lately presented to the House of Commons, and to which petition they have not, as yet, seen any reply.

* For further statistics of the petitioning movement, see Appendix to Ch. V. p. 116, 117.

"While disclaiming all factiousness of motive, they adhere to the conviction that the only real corrective of the evils of the Church-rate system will be its complete extinction; that such a step will, in the end, be found most conducive to the spiritual interests of the Church of England; and that anything short of it will only prolong the agitation, of which all parties profess themselves to be already weary. So sensible are the Committee of the facilities afforded to them by the existing law for leavening the minds of the people with Voluntary sentiments, that, hard as they have striven for its repeal, they will prefer its continued maintenance to a new legislative sanction of coercion for ecclesiastical purposes.

Resolution, May, 1860.

"IV. Mr. E. S. ROBINSON of Bristol moved, the Rev. I. DOXSEY of Edmonton seconded, and it was resolved—

"'That the Council expresses its admiration of the energy and promptitude displayed by an unprecedented body of petitioners in support of the Bill for the entire abolition of Church rates; and it also appreciates the firmness and tact displayed by Sir John Trelawny, Bart., M.P., in pressing the measure once more through the House of Commons. That the Council, while it deeply regrets the absence, unpaired, on the third reading of the Bill, of sixty members of the House of Commons who had previously voted in its favour, and the plea thereby furnished to the Upper House for a second time rejecting it, declares its determination to accept neither the compromise offered by a Committee of their Lordships' House nor any other whereby fresh sanction will be given to the employment of coercion for the maintenance of religion.'"

"PETITION

OF THE EXECUTIVE COMMITTEE OF THE 'LIBERATION SOCIETY' IN SUPPORT OF THE CHURCH-RATE ABOLITION BILL.

"*To the Honourable the Commons of Great Britain and Ireland in Parliament assembled.*

"The humble Petition of the Executive Committee of the Society for the Liberation of Religion from State Patronage and Control

[*Grounds of Objection to Church rates*]

"SHOWETH,

"1. That, in the opinion of your petitioners, the association of the Christian religion with compulsory exactions for the purpose of repairing its edifices, or defraying the expenses incident to Divine

CHAP. VII.

worship therein, is contrary to the spirit of the Holy Gospel; tends to beget misconceptions of its beneficent design; checks, to a considerable extent, the exercise of cheerful self-sacrifice to which it prompts, and renders necessary a resort to machinery, the working of which inevitably awakens feelings at variance with the genial, kindly, and sacred influences which Christianity brings to bear upon the human heart.

[*Origin of Church rates.*]

"2. That your petitioners have good grounds for believing that Church rates originated in the voluntary oblations of parishioners. That otherwise, as your petitioners conceive, there must be, or have been, some process at common law to enforce the making or payment of the rate. That no trace of any such process or writ can be discovered as having at any time existed; and that in the case of Veley *v.* Burder, commonly called the Braintree Case, the judges, although of opinion that the repair of the parish church by the parishioners is an obligation at common law, generally admitted that there is no compulsory process at common law to enforce such obligation. That accordingly the Superior Courts at Westminster have uniformly declined to enforce the making or payment of any Church rate, except in cases arising under some local or other special Act of Parliament.

"3. That in seeking the abolition of Church rates, your petitioners submit that they are aiming to restore the voluntary character (so far as the parishioners were concerned) of the system whereby originally churches were kept in repair, and the expenses of divine worship therein were defrayed.

"4. That the custom, which eventually took the present form of Church rate, by which the majority of parishioners in vestry assembled could bind all the ratepayers of the parish to pay their quota towards the objects for which such rate was made, originated at a period when the whole population were of one faith, and could avail themselves of the accommodation thereby provided for their spiritual benefit; but that since the prevalence and legal tolerance of diverse views of both Christian doctrine and discipline, the exaction has become oppressive to the consciences, and repugnant to the feelings, of a large and increasing number of the subjects of the realm, who, at their own cost, have erected thousands of places of worship, all the religious agencies connected with which they maintain by means of voluntary contributions.

[*District Churches.*]

"5. That while Church rates are leviable on the whole rateable population of the country, the accommodation provided by the

churches to the maintenance of which they are applied is utterly inadequate to satisfy the correlative rights of the parishioners.

"6. That very many churches have been built, and are kept in repair by the Church of England, without any recourse to a parochial rate; and that such persons, in common with Dissenters, feel the injustice of being compelled to pay an ecclesiastical tax from which they derive no corresponding advantage.

"7. That although such injustice might be redressed by enabling district parishes to make their own rates, and relieving them from payment towards the mother church, this extension of the tax to purposes hitherto provided for by voluntary means would not only be in violation of the pledge given to the Legislature at the passing of the Act of 1830*, and subsequent acts, in virtue of which many district churches have been erected, but would necessarily displace a large amount of healthy exertion and contributions now cheerfully devoted to the maintenance of such churches, and would impose a heavier burden on the community at large.

"8. That your petitioners, judging from repeated declarations made at vestry meetings, and from the still more decisive evidence of votes where polls have been taken, have good reason to believe that a considerable number of members of the Church Establishment would deprecate an extension of the existing compulsory system, even although any grievances of their own might be thereby redressed.

[*Commencement of Opposition to Church rates.*]

"9. That a general opposition to Church rates originated shortly after the extinction by Act of Parliament of Church-cess in Ireland, in the year 1832; and that many years before the formation of the Society of which your petitioners constitute the executive committee, such opposition was so decided as to compel the Ministers of the Crown to admit the urgent necessity for an alteration of the law, and, in accordance with such admission, to make a proposal to Parliament, the object of which was that Church rates should 'cease and determine.'

"10. That such opposition has never since abated, but has very greatly increased since the judicial decision of the House of Lords in the Braintree Case.

[*Extent of Opposition—the Returns.*]

"11. That so far from it being the fact that only 500 parishes have refused to make rates, it appears, from a return presented to your

* Since the presentation of the Petition, it has been discovered that the pledge of Sir Robert Peel was given in connection with the Act of 1828, for incorporating the Church Building Society. But see pp. 128, 129, note by author.

CHAP. VII.

honourable House in 1856 (No. 319), that, out of the 8672 places making returns, 1130 had ceased to make rates. That such return, while altogether omitting, as your petitioners know, many populous places where rates have also ceased to be levied, showed that the parishes where they had ceased contained a population of 6,126,151, against a population of 7,081,249 in the other parishes—the average population of the parishes still making rates being below 1000, while that of the parishes refusing was more than 5000.

"12. That a later return, with a supplement thereto, presented in 1859 (No. 4 and No. 4 I.), and embracing 10,165 parishes, respecting which information is given, shows that for seven years no Church rates had been levied in 1606 parishes; that in 2673 parishes the rate was supplemented by voluntary rates or subscriptions, and to a small extent by endowments; and that the whole number of parishes in which the maintenance of the fabrics and of the services is dependent on the Church-rate exclusively is but 5444.

"13. That the general and progressive character of the opposition to this impost is further illustrated by the parliamentary returns presented from 1827 to 1859; inasmuch as it is thereby shown that the sum annually derived from rates has continuously declined—it having within that period fallen from 519,000*l.* to 260,000*l.*

"14. That, nevertheless, such returns fail to give an adequate idea of the extent of hostile feeling with which this ecclesiastical impost is regarded; inasmuch as, besides omitting many parishes in which rates are no longer levied, they take but little cognisance of the strong, but unavailing, opposition of minorities, and give little or no information as to the numerous cases in which the collection of a Church rate has been found impracticable, either on account of its invalidity, or of the number of recusants to the demand.

"15. That, notwithstanding the great diminution of the amount annually raised by means of Church rates, churches have not, in consequence thereof, fallen into decay, nor has divine worship ceased to be performed therein; on the contrary, as your petitioners are informed, more care has been bestowed, and more money expended, on the repair and decoration of the ancient churches than during any corresponding term in the entire period when Church rates formed almost the only available fund for such purposes.

[*Substitution of Voluntary Subscriptions for Rates.*]

"16. That, from the concurrent testimony of the returns laid before Parliament, in 1856 and 1859, it appears that of the money raised by means of Church rates, a very small portion, if any, is required for the purpose of repairing the churches; there being, in

fact, raised chiefly from voluntary subscriptions—which those returns show to be both permanent and increasing—an amount which, if applied solely for that purpose, would be nearly an adequate provision.

"17. That, in particular, it appears from the returns of 1859, that the average sum annually expended in the repair of the fabric during the seven years then preceding was 310,000*l.*, and that during the same period there was received, independently of Church rates, an average sum of 269,000*l.*, leaving a balance of only 40,000*l.* a year to be otherwise provided for. That it appears, by the census of religious worship, that there are upwards of 5,000,000 sittings belonging to the Church of England; and your petitioners submit to the consideration of your honourable House that, if it be thought advisable to extend the existing system of pew-rents, a payment of sixpence per quarter on each of 3,000,000 sittings would raise 300,000*l.*, and would still leave a much larger number of sittings free to the poor than there is any reason to suppose they actually require.

"18. That your petitioners find it difficult to imagine that the abolition of Church rates, in the parishes where they are still levied, would in any degree injure the poorer parishioners—that it would give direct relief to many ratepayers ill able to pay the rate—and that, assuming, as your petitioners do, as much readiness on the part of members of the Church of England as that displayed by members of other communions, to provide the means of Divine worship according to their ability, they do not perceive any respect in which the services of the Church would be less available for the poor than they now are.

[*Proposed Compromises—Exemption of Dissenters—Proposal of Lords' Committee.*]

"19. That for many years past a general anxiety has prevailed to effect a final settlement of this much-controverted question. That your petitioners, sharing this anxiety, were willing in 1856 to acquiesce in arrangements then believed to be likely to pass into law, although such arrangements were not in perfect accordance with their own views. That, on the other hand, the supporters of the rating system have never agreed among themselves as to the principles which should govern any modification of the existing law. That every proposal of modification has been regarded with disfavour by your honourable House; but that the Bill of the honourable member for Tavistock, for the simple and immediate abolition of Church rates, has received the approval of your honourable House in three successive parliaments,—a sufficiently con-

CHAP. VII.

vincing proof, as your petitioners submit, that it is a measure in harmony with the views and wishes of the public.

"20. That the persevering, earnest, and costly efforts which have been made of late years for the abolition of Church rates, have been made with a view to put an end to a system which is sincerely believed—wheresoever and upon whomsoever it may operate—to be injurious to religion, and not with any intention of claiming exemption for such only as may object to compulsory exactions for ecclesiastical objects.

"21. That, in the opinion of your petitioners, the association of the public authority of law with a permission to large classes of Her Majesty's subjects to obey it or not, as they may individually prefer, would be an impolitic and even dangerous novelty in the jurisprudence of the country, and would involve the injustice of compelling a large class of citizens to make personal claims for exemption from a tax to which they ought not to be subject.

"22. That, in rural parishes especially, the proposed exemption would fail to give the relief intended, inasmuch as the undue but irresistible influences which now prevent opposition to the making a rate in vestry, would operate quite as powerfully to deter individual objectors from claiming exemption; and that, even if such exemption were largely claimed, it would necessarily increase the amount payable by those who absent themselves from all places of worship, and would probably increase their indifference or antipathy to religion.

"23. That, for these and other reasons, your petitioners believe that no law for the exemption of themselves only would be accepted by the opponents of Church rates in the parishes as a final settlement of the question, and that therefore the ill-will occasioned by the exaction would still continue.

"24. That your petitioners cannot discover any reason which is not equally good for all other Christian communions why Protestant Episcopalians should be enabled to use the machinery of public law for the purpose of defraying the cost of their religious worship; and that the extension of such power to churches of every other denomination would be perilous as a precedent, and might, in the end, prove disastrous to the general, as well as the religious, interests of the country.

"PROBABLE EFFECTS OF ABOLITION.

"25. That your petitioners, in seeking the abolition of Church rates, are influenced by no feeling of hostility to Protestant Episcopalians, nor are they desirous of effecting any change in their doctrines, their formularies, or their discipline: on the contrary,

they firmly believe that the extinction of this compulsory ecclesiastical exaction, besides tending to promote the general good of the people and the interests of religion, would stimulate, rather than check, the prosperity of the Episcopalian body.

"26. That, while your petitioners do not conceal, but, on the contrary, have always avowed, their desire to bring about, in a constitutional manner, other changes in the laws affecting the relationship of the State to religious bodies, they declare their unaffected belief that the abolition of Church-rates would restore peace to the parishes in which they are now the occasion of lamentable dissensions, and would thus leave the discussion of other and larger measures to be carried on under circumstances far less likely to excite personal animosities and local strifes.

"Your Petitioners therefore pray your honourable House to satisfy the just expectations of the country, by once more passing the Bill for the entire abolition of Church rates."

The assault upon Church rate had continued, and had been pressed with more or less of energy, according to the prospects of success in Parliament, for twenty-three years before any attempt was made to draw Churchmen together for the purposes of an organised defence.

It is true that in 1837 there must have been a move of some extent on the part of the Church, as is evidenced by the number of petitions*, and that in some parts of the country, in and about the year 1847-8, "Church Unions" had been formed; but these did not originate with the necessity of meeting the assault upon Church rate, though the defence of the Church in that particular was one of their objects. Their organisation besides was feeble, and their action desultory.

Defence.

The credit of having been the first to attempt an organisation of Churchmen, for the specific purpose of defending Church rate, belongs to Mr. Knott, the indefatigable Secretary of the Committee of Laymen. He

1855.

* Appendix C. An organisation for purposes of defence was promoted by some of the Archdeacons in 1837.

CHAP. VII.

began his labours to this end in 1855; but there is a pamphlet, published by him in 1837*, which shows that his attention had been called to the danger very early, and which contains much valuable information.

1856. The Committee of Laymen was formed in 1856, and up to the year 1859 may be said to have conducted the defence without having been able to call forth any appreciable amount of resistance to the assaults on the part of Churchmen generally. The petitions against abolition of Church rate in 1856 did not much exceed 800, and in no other year, till we come to 1860, did they reach more than half that number.

Their labours were, however, very valuable, as well in calling attention generally to the real nature and extent of the danger, as in preparing and circulating analyses of Parliamentary papers, statistical returns, and other documents, all of which contributed powerfully to open men's eyes to the true state of the case. The Church of England owes to the Committee of Laymen and to its Secretary a great debt.

1859. In the autumn of 1859, when Lord Palmerston had for the first time voted for an Abolition Bill, "pure et simple," and Lord John Russell for the first time for any Abolition Bill at all, a meeting of the Archdeacons of England and Wales assembled in London, and agreed to a Declaration, and also to a Petition, in favour of maintaining the ancient law and custom of Church rate. These documents were subscribed by 66 Archdeacons out of 70, the entire number; and other measures were taken in the several Archdeaconries to promote petitions to Parliament.

* Letter to William Stratford Dugdale, Esq., M.P., by a Birmingham Manufacturer, one of his Constituents: Birmingham and London, 1837.

This year witnessed the organisation of Churchmen, Clergy, and Laity, upon a large scale, under the name of the "Church Institution," having its central office in London. Its constitution is that of an aggregate of bodies of Clergy and Laity in their several rural deaneries upon the principle of general defence of the Church; each of these bodies having as a representative at the centre one of their lay members.

The Church Institution has met with great encouragement on the part of the Bishops, and is already in recognised action in almost every diocese. It is impossible to doubt that, upon the principles on which it has been based, and on which it steadily conducts its operations, it must exercise a very large and increasing influence upon the political fortunes of the Church of England.

Nor is this all, nor is it the best part of its work and of its fruits. It has already done much to draw Clergy and Laity together, and to make men acknowledge that there is nothing in such differences of opinion as are admissible within the pale of the National Church to hinder godly union and concord amongst us all in defence of the Church herself.

For the original conception of the Church Institution, and for the main part of the labours by which it has been brought to its present position of respect and influence, the Church is indebted to Mr. Henry Hoare, who had, for many years previous, taken a leading part in promoting the revival of the active functions of Convocation. Few men at any time have earned for themselves a higher title to the gratitude of their countrymen.

The Lower House of Convocation of the Clergy of the Province of Canterbury appointed, in 1859, a Committee to examine and report upon the state of the

CHAP. VII.

Church-rate question. Their report was unanimously adopted by the Lower House, February 1860, and received the general concurrence of the Upper House. It has since, upon the suggestion of the Archdeacon of London, been thrown into the form of a petition from the Archdeacons of England and Wales, which is now about to be presented to the House of Commons.

The defence out of Parliament has been late, but it has not been without its power; and it does not present itself the less honourably for having required many years of assault and provocation to call it forth. A few more years of steady perseverance in the combined action of Clergy and People, and the National Church will be comparatively at rest to do her proper work in quietness and confidence, without being harassed by the perpetual necessity of guarding herself at every point against attempts to work her downfal by "liberal" legislation. But to this end, the action must not be the action of timidity and compromise; it must be the action of faith in the position, and of fidelity to trusts. It is this spirit only which achieves great things, which commands the respect of opponents, and ensures the hearty and self-denying support of friends. Let men ascertain what that is to which they are bound by their position as members of the National Church, and let them take their stand upon what they ascertain, but not in their own strength. Let this be done, and many of us who are no longer young may yet live to see the Church of England not, as she has been, the subject of the obloquy and assault of English people, but recognised by all as the rightful possessor of her inheritance, and the great accredited messenger of CHRIST'S Peace.

CHAP. VIII.

PRESENT ASPECT OF THE COUNTRY IN RESPECT OF THIS QUESTION.

When Mr. Toulmin Smith was asked by the Chairman of the Select Committee of the House of Lords, February 16, 1860, —

"Do you suppose that, provided the proposal for abolishing the power of parishes to rate themselves be successfully resisted, there is a change going on in the public mind which is tending to enlighten it more as to the true object and character of Church rates?"

—his answer was:

"I think so decidedly, and that your Lordships' Committee will have a great effect in that direction." *

The writer believes that the above question and answer supply a correct account of the real state of the case.

The English people, with all their common sense, are by no means slow to fall into delusions upon great public questions, especially when there are facilities for investing a question with the character of a grievance, with the semblance of a hardship suffered, a wrong to be redressed; nor would it be difficult, perhaps, to assign very good reasons why a people so busy, with such free access to all kind of information, but with so little time to give out of their daily occupations

* Quoted above, Ch. V. p. 99-108.

CHAP. VIII.

to deep and patient inquiry, should be easily led away by plausible statements put forward by men who assume to themselves the office of instructing and guiding the public mind upon questions of national concern, and who are assumed in their turn to possess a kind of accurate universal knowledge which fully qualifies them for their office.

Thus it is that the number of those who form conclusions for themselves upon public questions is very small; and yet every man has his conclusion, and contends for it just as if it was his own, purchased at the price of his own time and labour and research.

The recovery from a public delusion is a slower process. It involves many things which are not palatable. The delusion, as a general rule, will have been coincident with a time of popular excitement, and when the excitement is past and men begin to sober down, the retrospect of the extravagances into which they have been betrayed, and of other extravagances which they have narrowly escaped, is not pleasant. Men often turn away from it, and take refuge in indifference, rather than avow that they have been deceived or have been in the wrong.

Nevertheless the rectification goes on wheresoever there is not lacking honesty of purpose; and, without being able to trace the several steps of the process, we find delusions pass away, and what was supposed at one time to be the great point of the national life put aside in other and calmer days as not only unable to excite enthusiasm, but even to command respect.

The question of Parliamentary Reform is a memorable example. Men's minds have begun to pass through a similar process in respect of the Church rate question. Generous minds rushed to the redress of an alleged grievance without pausing by the way to consider what

the grievance might be; ardent minds looked forward to the establishment of years of religious peace. They did not know—probably they never inquired—what sort of peace it was which the abolitionists of Church rate proposed to create. They accepted their statements with the colouring put upon them by supposed friends. It seemed a question of a few hundred thousand pounds a year—a thing after all not worth considering. There was no time to search deeper into the matter. It was not clear that there was anything more to be said upon it.

For it must be confessed that those whose business it was to set the public mind right, did not much apply themselves to the task; in many instances they were deluded, or partially deluded themselves. For one true representation of the case there were a hundred misrepresentations; and besides all this, it was only very lately that men who did comprehend the case were compelled by the course of events in Parliament, and by the repeated public avowals on the part of the abolitionists of the true object of the agitation, to admit all the urgency of the position. Now, until men admit this, they never speak their mind out, and in that earnest way which forces other minds to attend to what they say.

Thus it is that the English people are only beginning to get rid of the delusion about Church rate, and to come to their senses. The progress is slow—it is better that it should be slow—but it is uniform and steady.

The change which is coming over men's minds has already had its effect within the walls of Parliament, as was evidenced by the divisions last year on the second and third reading of Sir John Trelawny's bill. Acting upon Parliament and reacting upon the con-

CHAP. VIII.

stituencies, there are indications supplied in many parts of the country* where the question of Church rate within the last twelve months has been brought to a poll, that the representations of the abolitionist are losing their force with the people, and that the ancient spirit of the English mind, which is emphatically the spirit of Church and State, is reviving throughout the land.

It is better understood now what is meant by "the Church." It is understood not to mean bishops and clergy, but bishops, clergy, and people. The Church is not identified now in the popular mind with corruption and abuse. The clergy know and better understand one another. The laity are taking their proper place side by side with the clergy. The great middle class, which is the strength of the country, out of which all that is above it in the social scale is perpetually recruited, is answering in a spirit which is beyond all praise to the call, long and blindly delayed, but now made frankly and heartily, on the part of the clergy. All things are tending upwards, and if there shall ever be seen in England a time which, after many circumstances of depression and separation, shall manifest the Church of England as, in the best and largest sense, the Church of the people, that time is at hand, if it be not even now come.

Finally it is acknowledged—late it may be, but in ample time — that if the great Conservative party is to be reconstructed in Parliament in such sort as to present an united and unwavering front, outflanking on either side the confederate troops of the "Liberal" camp, this can only be done upon the one basis of defence of the Church. All things else within the country—all things

* Compare Evidence of Mr. Toulmin Smith: Report of Select Committee of House of Lords, 1860. (Question and Answer 531.)

else—save the Monarchy and the free concurrent authority of the two Houses of Parliament—and both Monarchy and authority of Parliament are so bound up with the National Church that they have ever stood or fallen with it—are subject to change according to the exigencies of the time. The Church never changes. She adapts, but does not alter, the law of her being. Her law has been committed to her, not to alter but, to keep. She may—nay, she is bound to—expand and adjust that law to meet the wants and the requirements of her growing populations and multiplied interests; and the time may not be far away when, in a state of more undisturbed security, she may come to Parliament without anxiety for the issue, and ask for powers to make her rule more elastic, and yet to keep it the same unbroken rule.

The government of England claims, and justly claims, to be the best government which the world has seen. It is impossible to eliminate from that government the element of the National Church, and to affirm that it is the same government still. Nor is it religion, nor any grievance of conscience, nor any love for peace, which asks that this be done. Nothing was more alien to the thoughts of the fathers of nonconformity—nothing is more alien to true nonconformity now—than to conspire against the Church. What asks that it be done is a spirit which is indeed found in all lands, but which is no part of the genuine tendencies and temper of the English mind;—the spirit which would sweep away all distinctions and level all inequalities between man and man—which would do this in direct and thankless rebellion against the law of the good providence of God, only to build up again upon the lowest and meanest of all human bases, the accumulation of money, the same distinctions which it has

CHAP. VIII.

swept away; the same inequalities of rank and power which it has levelled with the dust.

Church and State is a thing of another kind than what these men dream of, or seem able to comprehend. The idea of it comprises at once all that is humbling to man's pride, all that is his best safeguard against his chief and most powerful temptation, all that is most exalting to his proper nature. The English people will hold it fast. They will forbid man to take away what GOD has given. They will keep inviolate what is in a peculiar and especial manner their national blessing. They will learn more and more to know and to prize their inheritance, and to deliver to their children, to keep and to deliver in their turn, that they have received.

CHAP. IX.

FALLACIES.

THE purpose of this chapter is to bring under review the current fallacies respecting Church rate, and to show wherein they are contrary to truth of reasoning, and have no proper cogency, religious or moral, political or social.

It is these fallacies which are the staple of the entire agitation; supplying all the raw material which is worked up into speeches in and out of Parliament, newspaper articles and correspondence, "Liberation Society" reports, abolition and exemption petitions and bills, pamphlets and circulars.

In the course of the argument the discussion and refutation of a few of these fallacies have been interwoven with the substance of Chapters II. and IV. But for the reason just stated it will be good to deal with the whole body of them in this place, in a distinct and formal manner, that there may not lack a repertorium wherein they may be found stored up, together with such exposure of them as it is in the writer's power to supply.

ABOLITION.

I. *That Church Rate is a grievance to the Nonconformist conscience.*

The answer to this is of two kinds: — (*a*) *à priori;* (*b*) from historical fact.

(*a*) "It is unaccountable in reason," says Bishop Sher-

CHAP. IX.

That Church rate is a grievance to the non-conformist conscience.

lock*, where he is discoursing upon Church and State, "that, in matters of religious government, every man thinks himself judge of what is decent and convenient, and what fit to be obeyed †; whereas, in matters of civil government, whatever they act, they dare not pretend to the same discretionary power, as if the case were not the same in both; and obedience in all things lawful and honest (further than which no man's private judgment extends) in both of like necessity."

The Bishop's reasoning sweeps away before the fact of a National Church the truth of the claim of such citizens of the nation as, from whatever cause, separate themselves from that Church to unlimited freedom in matters of religious government. *A fortiori*, then, his reasoning sweeps away the truth of their claim to go beyond such freedom as is permitted, under conditions, to themselves, and to interfere to the injury of the National Church with any one or more of her immemorial rights and privileges and usages: which is all that is here contended for.

No English citizen may presume to say that the National Church—or Church and State, which is the same thing—is not lawful and honest; no English citizen therefore that Church rate, which is not only an immemorial right, privilege, and usage, but an integral part of the National Church, is not lawful and honest.‡ Now if it be lawful and honest, it cannot be a grievance upon the conscience of a citizen.

* Sherlock's Discourses, vol. iii. pp. 225–6. Oxford, 1812.

† For some account of the source of this difference, which, as the Bishop says, is so "unaccountable in reason," see Chap. IV.

‡ Thus a great legal authority has expressed his opinion that "any attempt to excite resistance to the payment of Church rates, or to render those odious who call vestry meetings for them, is illegal." Lord Abinger. Bond *v.* Douglas, 7 Car. & P., 626.

That Church rate is a grievance to the non-conformist conscience.

If he do, nevertheless, say it, he exceeds herein the limits of the private judgment of an English citizen, and is not entitled to a hearing upon any ground consistent with the preservation of National Institutions.*

Or it may be put more briefly in this way: It is either the payment of the actual rate which is the grievance—in which case the answer is sufficient, that Church rate is a necessary part of the position of the National Church; or it is the National Church itself which is the grievance—in which case the answer is, that the National Church is a thing which no English citizen may presume to touch.

(*b*) From historical fact.

The answer from historical fact is this: It is hard to understand how that can be a grievance to the non-conformist conscience (to concede here, for argument's sake, its admissibility upon constitutional grounds) which has only been advanced as such at a late period in the history of nonconformity, and this under circumstances of great suspicion.

If Church rate be the grievance it is alleged to be, how has it happened that the claim to be heard upon it has been reserved for the middle of the nineteenth century? †

Upon the whole, the answer to No. 1 is this:

(*a*) That the alleged grievance of the nonconformist conscience arising out of Church rate, is a thing incom-

* See Jeremy Taylor: Heber's Ed., London, 1839, vol. xiv. pp. 481–2. "The Divine Institution of the Office Ministerial."

† The resistance of the Quakers to tithe and Church rate in the latter half of the 17th century is exceptional, and was set at rest by the statute 7 & 8 Will. III. c. 34. This act was originally passed for seven years; was renewed by 13 & 14 Will. III. c. 4, for 11 years; and was made perpetual by 1 George I. c. 33. See Gibson's Codex, vol. ii. fol., p. 514, Oxford, 1761. See Ch. III. p. 70; see also 7 and 8 Geo. III.

CHAP. IX.

That Church rate is a grievance to the non-conformist conscience.

patible with the principle of all National institutions, and, in the particular case of England, inadmissible upon special constitutional grounds: further, that the attempt to sustain the grievance by overt act has been declared to be illegal by high authority.

(*b*) That if there were nothing about the alleged grievance thus incompatible, inconsistent, or illegal, the onus lies upon the nonconformist to explain how it has happened that, with the exception of the case of the Quakers noticed above, it has not been heard of, together with other grievances of the nonconformist conscience, till a very recent period of the national history. If bodies of citizens, such as the nonconformist bodies, had felt aggrieved either in their religious or their social character, it is inconceivable that the sense of grievance should not have declared itself long ago by way of public action.*

* If Fuller had lived in the twenty-eight years of Century XIX. last passed, he would have had ready to his hand, in the whole course of the Church rate agitation, a notable illustration of his meaning in the two last paragraphs of the extract following.

"THREE SORTS OF NONCONFORMISTS.

"We must not forget that this earnest contest was not about the calling, but clothes; not the vocation, but only about the vestments, of bishops. Whereupon the judicious reader will distinguish three ranks (or, if the word be better liked, three classes) of Nonconformists, according to their several dates and designs:—

"1. Ancient Nonconformists, here in King Edward's days, who desired only to shake down the leaves of episcopacy, misliking only some garments about them.

"2. Middle Nonconformists, in the end of Queen Elizabeth and beginning of King James, who struck at the branches thereof—chancellors and officials, and other appendant limbs, which they endeavoured to remove.

"3. Modern Nonconformists, who did lay 'the axe to the root of the tree' to cut down the function itself as unlawful and anti-christian.

II. *That Church rate is a grievance upon the conscience of the citizen; in that payment is exacted without benefit to the payer.*

(*a*) The allegation is *not true.*

Every man who has to pay Church rate occupies, either by himself or by his tenant or tenants, the property, in respect of the occupation of which he is bound by the common law of England to pay Church rate, and is entitled to the same share in the National Institution which Church rate maintains, in his own person, and in those of his family, or in the person or persons of his tenant or tenants. He is excluded from no part of it except by his own free choice and voluntary act. His property is that out of which by liability at common law the rate accrues, though it be assessed and levied in respect of the occupation only. That the occupier make no use or only a partial use of that for the support of which the rate is assessed and levied, can only be regarded as an accident. Besides he may let the property any day, and his tenant be one who does use it, or one tenant who does not use be succeeded by another who does. Meantime the share of benefit to which every rate-payer is entitled is the same; he may worship in the parish church; he has the right of burial in the parish churchyard. If he seek for the ministrations of the parish clergyman, these may not lawfully be refused him, whether in respect of marriage, or of preparation for confirmation, or of visitation in sickness, or of administration of the Sacraments.

"Thus after ages still make new additions, as if it would be accounted idleness in them if the strong and active legs of the sons and nephews should not go faster and farther than the old and feeble feet of their fathers and grandfathers."—*Fuller*, book vii. c. xxx. Century 16, A.D. 1550; 4 Edward VI.

CHAP. IX.

That Church rate is a grievance upon the conscience of the citizen; in that payment is exacted without benefit to the payer.

If he do not occupy in his own person, then his tenant or tenants come into his place in respect of all these rights and privileges.

(*b*) If the allegation were true, it would be worth nothing. A payer of highway rate might just as well complain of the rate, because he never makes any use of the public roads of the parish; or of poor rate, because he supports poor parishioners out of his own private means.

For any attempt to set up a distinction *in kind* between Church rate and other public rates, resolves itself into *this*,—that whatever other public objects a nation may compel a rate for, it may not do it for maintaining the National Church.

III. *That "Church and State" is a bad thing.*

This proposition has been shown to be contrary to truth of reasoning at the opening of Chapter II., in that it is the denial of the first duty of the civil power, which is to care, so far as it may, for the greatest blessing of a people, "the unity of the Faith." But it requires to be handled in some little detail, because,—1. To dissolve the union between Church and State is the ultimate object of those who demand the abolition of Church rate; to which they consider, with great reason, that such abolition is one principal means. The proposition therefore represents the real aim and purpose of the entire agitation. Because—2. The proposition is presented in the plausible shape of a statement of what would be for the benefit of the whole body politic, not of the nonconformist only, but of the Churchman also. And it amounts to this,—That the union in any case of the religious and the civil elements of a State is a hindrance to religion; in other words,

CHAP. IX.

That "Church and State" is a bad thing.

that religious systems ought to be wholly independent of the governing power in every Christian country.*

The objection thus generally stated, takes in England the particular form of objection to the Church of England as Established or National.

Now this is a compounded objection, not a simple one—that is to say, it is not directed simply against the truth of the religious system of the Church of England; nor again simply against its union with the State; but it is directed against the Church as Established or National—that is, it is compounded of both these objections.

But the root of the objection so compounded is to be found in the first of its two parts. The nonconformist "Ex vi termini," denies the truth of the religious system of the Church of England: by natural consequence he objects to the constitutional pre-eminence of a system of which he denies the truth.

The remedy which he proposes is the severance of Church and State, on the ground that the union of the two is a hindrance to religion.

It is at this point that we come once more upon the fallacy.

Answer:

1. The proposition here stated has a double meaning—as addressed to the public it has one meaning, as understood by the nonconformist it has another. It is therefore a fallacy. As addressed to the public, it suggests the removal of that hindrance to religion which is assumed to be involved in the connection of Church and State. As understood by the nonconformist, it

* See Jeremy Taylor, Rule of Conscience, vol. xiii. pp. 470–548, Rules IV. V. VI. VII. VIII.

CHAP. IX.

That "Church and State" is a bad thing.

declares that the authority of the Church of England ought to be lowered by depriving her of her constitutional pre-eminence. Now this object may doubtless approve itself to the conscience of the individual man, because the conscience of the individual man may not be able to admit the truth of the system of the Church of England; but that it can approve itself lawfully to the conscience of a citizen of a country possessing a National Church is denied. (See answer to Fallacy I.)

The avowed object, then, of those who affirm this proposition is not their real object. They want you to understand them as saying that it would be better for the Church of England herself, that is, for the confirmation of her doctrine and her discipline, and for its extension among the people, that the Church should be severed from the State. Now this anxiety for the good of the Church of England is not intelligible in a nonconformist upon any principle upon which he can justify his nonconformity; and as matter of fact, it *is not* his anxiety; his anxiety is all for the growth of his own and kindred systems—of his own above all; and *exclusively*, if his nonconformity be genuine. His anxiety for the Church is to alter its essential character by lowering it to the level of nonconformity. It would thus become one among many of those kindred systems. As the first grand step to this result, he suggests that it is for the good of the whole body politic that the union of Church and State be dissolved.

What, therefore, the proposition, "Church and State is a bad thing," is intended to suggest, is not what is in the mind of those who affirm it; in other words, the proposition is a fallacy.

Answer 2.

The second answer is, that the proposition in its

CHAP. IX.

That "Church and State" is a bad thing.

literal and natural sense, viz. that the union of the religious and the civil elements of a State is a hindrance to religion—is contradicted by the authoritative precedents of fifteen centuries. For, with the single exception of the case of the United States, which is of too recent a date to be cited, the writer knows of no Christian State since the days of Constantine in which this union has not been found as a primary institution. And though it be true that in countries of the Roman obedience the relations between the civil and the ecclesiastical authorities have been disturbed and overlaid by the claims of the Papacy, the continued struggles of princes and people in resistance to those claims bear witness to the fact that the establishment of true relations between the two authorities is matter of great national importance; and not at all a thing which, according to the nonconformist principle, finds no proper place among those public interests for the well-being and permanence of which it is the duty of the governing power of each country to provide.*

* The case is admirably stated in brief in Hooker's Eccl. Pol., b. viii. c. i. 7, where he is considering the several relations of Church and State:—

"Wherefore, to end this point, I conclude—First, that under dominions of infidels, the Church of CHRIST and their Commonwealth were two societies independent. Secondly, that in those commonwealths where the Bishop of Rome beareth sway, one society is both Church and Commonwealth; but the Bishop of Rome doth divide the body into two diverse bodies, and doth not suffer the Church to depend upon the power of any civil prince or potentate. Thirdly, that within this realm of England the case is neither as in the one, nor as in the other of the former two; but from the state of pagans we differ, in that, with us, one society is both the Church and Commonwealth, which with them it was not; as also from the state of those nations which subject themselves to the Bishop of Rome, in that our Church hath dependency upon the chief in our Commonwealth, which it hath not under him. In

CHAP. IX.

That "Church and State" is a bad thing.

But, says the nonconformist, It is precisely to the three hundred years before Constantine that I appeal in proof of my proposition that "Church and State is a bad thing." There was no "Church and State" then, and the Church was in a purer and better condition than at any subsequent time.

Supposing that we grant this latter statement, though there be great room to question its truth, it does not follow that the cause of this "purer and better condition" was the absence of union between Church and State. It looks like what is called the fallacy of "non causa pro causâ;" and there is not much cogency in reasoning which, in comparing two periods and two conditions of the Church, puts aside the fact that there is in the first period an element which has no place in the second, that is to say, the *impossibility* of union between Church and State. However cordially the members of the Church may have desired it, such union was not a matter of choice or of refusal; it was an impossibility. That they did so desire it, is evidenced by the universal joy of Christendom upon the conversion of Constantine; and it cannot reasonably be doubted that a like conversion of the chief of the Roman empire, with all its consequences, would have been hailed with the same joyful thankfulness from the very first. But till such conversion had taken place, the union of Church and State was impossible in the nature of things.

It is not, therefore, easy to see how any proper comparison can be instituted in this particular between the two periods.

a word, our estate is according to the pattern of God's own ancient elect people, which people was not, part of them the Commonwealth, and part of them the Church of God, but the selfsame people, whole and entire, were both under one chief governor, on whose supreme authority they did all depend."

CHAP. IX.

That "Church and State" is a bad thing.

But, supposing all admitted for which the nonconformist contends, does it never occur to the nonconformist that any possible advantage which he may derive to his argument from his appeal to the first three centuries, as evidencing the good of separation of Church from State, is more than counterbalanced by the negation which those centuries supply of every other of his most cherished positions. If indeed it be true that the condition of the Church during those centuries was the purest and the best, notwithstanding the existence and the power of heresies and schisms, more in number and more vital in character than in any subsequent age; in what does the purity and the excellence consist? Not surely in freedom from that connection with the civil power, which the Church desired, but could not have, but in the ultimate triumph of "the Unity of the Faith," of which the general councils of the Church were the instruments, under the promised guidance of THE HOLY GHOST. If any one ask what are the legacies of those three centuries to the Church Catholic throughout all time, the answer is—

The Canon of Holy Scripture.
The Creeds.
The Sacraments.
The Liturgies.
The Apostolic Order and Discipline.

For any share that the nonconformist has in these precious gifts he is indebted to the Church. For all that he has lost of them, he is indebted to the principle which rejects the Church; that is, to the principle of his own nonconformity.

The purity and excellence, then, of the first three centuries, to which the nonconformist appeals in proof

CHAP. IX.

of his proposition, is in itself the most emphatic condemnation of the nonconformist system; a fact which may well make the inquirer pause before he allow much weight to the appeal.

IV. *That the Voluntary System is a good System.*

That the voluntary system is good system.

The substance of this proposition has been considered in Chapter II., where it is affirmed that the voluntary system is not a good system; in that it is unequal to the supply of ordinary and every day wants; and that it should be carefully contradistinguished from voluntary efforts based upon a compulsory rate; though this last be of comparatively trifling amount, as in the case of Church rate.

That so far from the voluntary system being a good system it has proved to be a failure, is best evidenced by portions of the evidence given before the Lords' Committee, 1859-60.

Report of Lords' Committee, 1859.

The Rev. JOHN CALE MILLER, D.D., Hon. Canon of Worcester, Incumbent of St. Martin's, Birmingham.

229. *Chairman.* — Would not the success of the voluntary system in collecting money for the expenses of the church depend in a great measure upon the popularity or otherwise of the clergyman?

Most clearly so in a great many cases. There might be cases in which the parishioners would be very good Churchmen, who might be actuated by strong principles as Churchmen; but, as a general rule, no doubt the success of the voluntary system depends upon the acceptableness and usefulness of the minister.

230. So that, in fact, the expenses of the church in all

That the Voluntary system is a good system.

cases remaining the same, whether those expenses would be defrayed or not might depend very much upon the character of the minister?

Most clearly. I can imagine cases in which everything may be going on very smoothly now; and in which plenty of money is being raised, but where in the course of twelve months everything might be in a different state.

231. So that as long as the system of the Church of England remains what it is—namely, that the minister is appointed not by the people themselves, but by the patron of the living—the action of the voluntary system would be inconsistent with such a state of the law?

I think so.

232. *Lord Bishop of London.*—Might it not also act as a salutary check upon the patron using his patronage without regard to the qualifications of the minister?

No doubt; but it appears to me that the voluntary system would be likely to fail in such cases as these, where you have a large number of men of merely average ability, useful men in a parish, who work it very well indeed, but who would not have sufficient popular talent and power to attract a congregation, and to keep their own heads above water. The voluntary system seems to me to require for its success that every man should be above the average.

CHARLES HOLTE BRACEBRIDGE, Esq., Atherstone, Warwick, *late Churchwarden.*

554. Supposing that the church were very much out of repair, and required a considerable sum to put it right, do you think that if a law were passed which should abolish the power of the vestry to levy a Church rate, there would be much difficulty in obtaining that sum?

CHAP. IX.

In towns, none at all; I think, in the country, it would be very difficult.

That the Voluntary system is a good system.

The Rev. ABRAHAM HUME, LL.D., Incumbent of the new parish of Vauxhall, Liverpool.

1275. With regard to the action of the Church in those poorer localities, do you consider it essential that there should be some power of levying a fund for the support of those churches?

I fear that if there be not, in the course of a few years some of the churches must be closed.

1276. Can you depend in these localities upon voluntary contributions for the maintenance of the church?

Not at all. In my own locality we have had almost no assistance from the people themselves during the three years and a half since the church was consecrated. I believe I have only received from church collections 18*l.*, and about eight guineas in private subscriptions; the rest I was obliged to pay myself.

1277. A large portion of the expense falls upon you?

Of course it does. I have paid, in various ways, about 25*l.* a year.

The Rev. GEORGE OSBORN, Methodist Connexion, founded by John Wesley.

1766. You conceive then that the fabric of the church, and the services of the church, and the right of burial in the churchyard, are things which it is desirable to maintain?

As an individual, I should deplore the extinction of the National Church as one of the greatest calamities that could befall my native country. I wish to see it upheld in its integrity, and increased in its usefulness,

by every prudent and practical means, consistently with entire liberty to nonconformists.

That the Voluntary system is a good system.

1767. You conceive these privileges to be privileges of considerable importance to every member of the community?

The only privilege about which I should hesitate to express a very decided opinion is that which refers to the churchyard, because the state of the law has been so much altered that less would be thought about that than the privilege of having a place of public worship provided, accessible to all classes, designed for the benefit of all, and a system of instruction and worship provided, of which all may avail themselves if they will. I consider that the Established Church does provide this, and I look upon it as the greatest home missionary institution of which I have any cognisance.

1771. When you speak of the Established Church, you would refer, I suppose, more particularly to that practical development of it in the parochial system?

I consider that the parochial system is the only means of really leavening the country with that knowledge of Divine truth which is necessary to its welfare, and which needs to be extended and adapted to the growth of various places: but being so adapted and extended I cannot conceive of any apparatus which may compare with it for efficiency.

1772. If such an event as this took place, that the parochial system were broken up, that the Church of England were reduced entirely to a voluntary state, and deprived of its endowments, and no longer able to act in its present legal capacity, should you consider that the dissenting communities, taking them altogether, would be able to supply the want that would be created, in learning, and in a missionary and evangelising point

CHAP. IX.

That the Voluntary system is a good system.

of view, with reference to the labouring classes of the country?

That is a subject which has engaged a good deal of my attention for many years past, and the result to which I have arrived, as an individual, is, that they would not; that all the voluntary efforts which might be put forward, either by separate classes of nonconformists, or by the joint labours of well-disposed Churchmen and nonconformists, would not suffice to compensate for the overthrow of the parochial system; which, I fear, would, in that point of view, be very injurious to religion, and to the welfare of the country, as dependent upon religion.

Report of Lords' Committee, 1860.

Mr. CHARLES ERWIN, churchwarden of the parish of Rotherhithe.

264. Do you think that for the repair of the church you could not raise a voluntary subscription?

Not sufficient.

GEORGE COODE, Esq., Barrister.

343. A voluntary system is only a mode of taxing doubly those who do pay for the escape of those who do not; and undoubtedly tends to make the tax to be unpopular amongst those most favourable to the object. The most liberal would dislike such a mode of contribution, and they would justly object, if you made it so voluntary that every man could fix his own share of it. I look upon all voluntary substitutes for legal obligations as only other modes of injustice.

THOMAS PERCIVAL BUNTING, Esq., Old Methodist Connexion.

599. *Lord Archbishop of Canterbury.*—Do you think

that the dissenting bodies generally would be sufficient to provide for the maintenance of religion in the rural districts, and in the less populous parts of the country?

That the Voluntary system is a good system.

Certainly not; I think that all experience shows that. I may be allowed to believe that the Methodists are doing nearly all they can do in that direction; and do what we can, it is impossible for us to provide for the rural populations as the Church of England in the nature of things can do. I should extend that observation also to the large towns. I think that certain portions of large towns will never be provided for but by a parochial or a district system. Dissent never has done that, and I think there are insuperable difficulties in its way.

600. *Chairman.*—Will you be good enough to state what you consider those difficulties to be?

I do not think that voluntaryism will ever provide missionary ministers in sufficient numbers, and at the same time pastors for congregations.

V. *That Abolition of Church rate is in the interest of the liberty of Her Majesty's subjects.*

So far from this being the case, it is difficult to conceive a greater invasion of the liberty of Her Majesty's subjects than the making of a law to deprive the parishioners of every parish in England and Wales of the power of rating themselves for the maintenance of their parish church and churchyard, and for the provision of things necessary to the decent performance of Divine service. This power is the immemorial privilege of the parishes, and the exercise of it is the best and highest instance of their corporate action. It is moreover an instance of that exercise which is found in the practice of the great majority of parishes year by year.

CHAP. IX.

That Abolition of Church rate is in the interest of the liberty of Her Majesty's subjects.

Whether then we look to the infringement and curtailment of the general corporate action of all parishes, or to the disregard of the judgment of the great majority of the parishes, as expressed by their yearly vote, there is here a clear case of a direct invasion of the people's liberty, not of provision for its enlargement. It overrides the sense of the majority; it shuts the door of amendment and return to the exercise of their constitutional privilege upon the minority. The time may come, and there are even now indications of its approach, when the minority of parishes will feel that abolition of Church rate would have inflicted great harm and loss upon themselves also.

And all this is to be done upon the demand of those who, whatever they may say touching their desire to promote the Church's good, oppose themselves to, and separate themselves from, her doctrine and discipline; and avow their purpose of uprooting the constitution as settled in "Church and State."

Let us hear what a great man has to say in this matter.

Jeremy Taylor * says:—

"Suppose that a law be made with great reason so as to satisfy divers persons pious and prudent that it complies with the necessity of government, and promotes, the interest of GOD'S service and public order, it may easily be imagined that these persons which are obedient sons of the Church, may be as zealous for the public order and discipline of the Church as others for their opinion against it, and may be as much scandalised if disobedience be tolerated, as others are if the law be exacted: and what shall be done in this case?

* Of Compliance with disagreeing Persons, or weak Consciences in general, vol. viii. sect. xvii. pp. 146-7, Heber's ed., London, 1839.

CHAP. IX.

That Abolition of Church rate is in the interest of the libery of Her Majesty's subject.

Both sorts of men cannot be complied withal, because, as these pretend to be offended at the law, and by consequence (if they understand the consequents of their own opinion) at them that obey the law, so the others are justly offended at them that unjustly disobey it. If therefore there be any on the right side as confident and zealous as they who are on the wrong side, then the disagreeing persons are not to be complied with, to avoid giving offence: for if they be offence is given to better persons; and so the mischief, which such complying seeks to prevent, is made greater and more unjust; obedience is discouraged, and disobedience is legally canonised for the result of a holy and a tender conscience."

The whole chapter should be read; it is only a few pages.

Exemption.

Before we approach in detail this class of fallacies, three things have to be noted.

1. That abolition of Church rate and exemption from Church rate proceed upon the same principle—that is to say, the principle of grievance. The abolitionist affirms, the exemptionist admits, the grievance. If the exemptionist does not admit the grievance, his way of dealing with the question is not intelligible upon any rule of action which is admissible in legislation. We are thus driven to the conclusion that the exemptionist admits, in one degree or another, the grievance which the abolitionist affirms, and that he bases upon the admission the distinctive feature of his proposed legislation.

But, by a curious inconsistency, the exemptionist has no sooner admitted the grievance by proposing the exemption, than he proceeds to deny it by putting

CHAP. IX.

a price upon the exemption. The price varies according to the particular view taken by this or that exemptionist, but there is always a price affixed. Even the report of the Lords' Committee, 1860, which went the unprecedented length of allowing any rate-payer, nonconformist or Churchman, to exempt himself, has its price affixed. Now the principle of all this is that the Church ought to have some *equivalent* for what she surrenders. But how can this consist with the notion of a grievance to the nonconformist? If there is a grievance, it should be removed without exacting an equivalent or putting any price upon the removal. If there is no grievance — which is the truth of the case — there is nothing to remove.

The time for any attempt to persuade the public mind that the levying of Church rate is the grievance against which the assault is directed is gone by. The attempt has been set in its true light, and finally defeated and disposed of by the abolitionists themselves; and it is now known to all men, what has long ago been known to some, that it is, not Church rate but, Church and State which is the grievance. Let the nonconformist, then, lay a Bill upon the table of the House of Commons for the abolition of the union between Church and State.

2. The second point is, that no two exemptionists appear to be agreed as to the plan of exemption which it is advisable to adopt. This fact is at once a strong reason against the proposal of any such plan, and suggestive of failure if proposed.

3. The third point is the remarkable blindness or shortness of sight evinced in a proposal to meet and dispose of an agitation which has for its avowed object the separation of Church and State, by an offer which has for its own object not this, but the contrary of it—

viz., the increased security of the connection between Church and State: for this is the object of the exemptionist in proposing exemption. Whether his means be not only inadequate, but directly injurious, to what he desires to secure, is a separate question. What is insisted upon here is the blindness or shortness of sight which proposes to an active adversary, as the satisfaction for all his efforts, the increased stability of the very thing which he is bending all his efforts to overthrow; and which couples the offer with a demand that he shall, in return, consent to be excluded from many privileges which are now his right as a citizen of the country and a parishioner of a parish.

I. *That Rate-payers, not self-exempted, will cheerfully pay the share of Rate-payers self-exempted.*

This is matter of opinion; but the question is, what are the grounds for the opinion here expressed? and, on the other hand, what are the grounds for the contrary opinion? The writer's belief is, from all his experience of English character, and specially of the rate-paying character, that, under the given circumstances, not only will the share that is lacking not be paid cheerfully by those who are not chargeable with it, but that the issue will be, as a general rule, that there will be no rate at all.

When a proposition so startling as that under review, and indeed so contrary to all human experience, is propounded, we may at least ask to have some reasons adduced why Church rate is to be an exception to the ordinary rule of the rate-paying mind.

No one who knows anything of the working of a parish vestry, or of the getting together of parochial

CHAP. IX.

That rate-payers, not self-exempted, will cheerfully pay the share of rate-payers self-exempted.

funds, can have failed to observe that the consideration which most readily suggests itself to the individual rate-payer or parishioner is—How are the others going to vote? What are the rest going to do? and what he means is, that what they vote or do he will vote or do. The difficulty is always to get some one to begin.

Now, if rate-payers come to a vestry to consider about a Church rate, and the first thing that the churchwardens have to tell them is that, instead of a rate to be levied upon all alike, as from time immemorial, they have to propose a rate to the usual amount, to be levied upon some—Mr. A, B, C, D, E, F—one or more of them, as the case may be—having claimed his exemption under the new law—a preliminary consideration will immediately arise whether, under such circumstances, it is fair, or indeed possible, to rate the parish at all. The rate-payer's mind will demur, and most reasonably, to committing itself to a state of things which is without precedent, and of which the equity is not apparent.

And, if there were no rate-payer in the parish disposed of his own mind to claim exemption, it will be hard but that the active agents of the "Liberation Society" will not be able to find something upon which to work so as to create the difficulty which suits their purpose.

In a great number of the rural parishes the rate-payers are very few; and the claim for exemption on the part of only one of the number would commonly suffice to throw all the old-established arrangements in respect of Church rate into disorder. The difference between abolition and exemption is, that abolition destroys at one blow, exemption destroys piecemeal, parish after parish. Next to abolition there is no more destructive process than exemption. Aboli-

CHAP. IX.

That rate-payers not self-exempted, will cheerfully pay the share of rate-payers self-exempted.

tion is inflicted by an external authority. Exemption tempts men to bring about the same result by their own act, but against their own convictions.

But if, on the one hand, the abolitionist, to save his own consistency as the friend of liberty, at the expense of affirming two contradictory things, is prepared to adopt the ground taken in the debate on the Abolition Bill last year,—viz., that if the Bill became law, parishes would still be at liberty to make a Church rate, on the common law principle that parishioners, as a body corporate, may make rates for such purposes as appear to be for the common good of the parish,—and if, on the other hand, exemption destroys the corporate character of a parish in such sort that it would no longer be possible to make a rate which should bind any person not present and voting at the vestry;—if these things be so, then exemption is more destructive and a greater invasion of liberty than abolition.

In the absence of any grounds in support of the opinion expressed in the proposition under review, and in the presence of many grounds which lead to the opposite opinion, this proposition may be pronounced to be a fallacy.

II. *That it is a good thing to get Dissenters out of vestries.*

The desire to get dissenters out of vestries has been at the bottom of all the multiform schemes of self-exemption from Church rate. These have one principal feature in common—a power of self-exemption upon condition of exclusion from vestries. The last is the object to which it is fondly hoped the first may be the means. Those of us who have persuaded themselves—on no ground but that of past want of concert

CHAP. IX.

That it is a good thing to get Dissenters out of vestries.

and energy among Churchmen—that Church rate must be surrendered, have comforted themselves with the thought that out of the surrender something may be gained for the freedom and the power of the Church's action; and hence have come proposals of self-exemption, coupled with exclusion from vestries.

Now all such proposals are very startling when coming from members of a National Church, and require to be examined and sifted in order to see what they amount to in point of principle; whether they be not unsound in themselves, and whether the reasoning employed to recommend them be not fallacious.

There has been of late years a growing desire with Churchmen generally that the Church, in her parishes, rural deaneries, archdeaconries, dioceses, and provinces, should act more distinctly in her corporate capacity, with a view to the better regulation of her own immediate interests.

No one can reasonably gainsay the desire, nor deny that it is legitimate, so long as the means by which it is proposed to give it effect lie within the four corners of the constitutional position of the Church of England; but so soon as they overstep these limits they become in themselves unsound, and all reasoning employed to recommend them is fallacious.

Now the constitutional position of the Church of England is, that she is the Church of the nation, the recognised exponent of the national Faith. It follows that separation from her, rejection of her doctrine and her discipline, to whatever extent they may be tolerated and allowed free scope, are not, as she is herself, properties, but accidents of the country: and are of the number of those anomalies and excrescences, not to interfere with which, except by way of moral suasion, is true wisdom, but which, not the less for

that, are anomalies, and blemishes in the national life.

That it is a good thing to get Dissenters out of vestries.

But the Church of England, being the National Church, is bound to accept, together with the privileges of her position, such anomalies of it as may from time to time accrue, provided there be no means to their removal consistent with that position. She cannot claim to be the National Church, and, while making and insisting upon the claim, act upon the principle of excluding any single citizen, though it be with his own free consent, from such share in her corporate action as he may see fit to take. The Church may not be a consenting party to such exclusion. As she is not justified in surrendering any part of her trust, except upon compulsion by the imperial legislature — in which case her duty is to obey the law —so she may not affix a price to the surrender. Least of all may she seek to establish a legal exclusion of any citizen from the common rights of citizenship of that country of which she is the National Church. The surrender, the price, and the exclusion are all alike unlawful.

There is another difficulty connected with the proposal to "get dissenters out of vestries," of which the exemptionist is bound to supply the solution, because it arises directly out of the proposal; but which the writer does not remember to have seen noticed by any who have published or discussed exemption schemes. In default of such solution, the so-called "purification" of vestries by the exemption process will be only outward and formal, and must fail to command public or private respect, as well upon this ground, as on the ground of the obvious absence of all equity in the arrangement. It seems to the writer that, in the present state of the discipline of the Church of England, and

CHAP. IX.

That it is a good thing to get Dissenters out of vestries.

perhaps, in any state of that discipline, the difficulty here referred to cannot be met, and that this is a fatal objection to the proposition now under review.

What is meant is this; that to "purify" a vestry and thus make it "better fitted to do the Church's work," by simply excluding from it those who exempt themselves from payment of Church rate, and who may be respectable members of society, and often something more; but to make no corresponding provision for the exclusion of those who choose to continue to pay Church rate, but whose life and conversation is not respectable, is what the exemptionists are content to propose as fit matter for legislative enactment, and as a means of good to the Church.

The exemptionist does not hesitate to make this proposal, either having overlooked the obvious necessity of guarding against so purely outward, and formal, and inequitable a "purification," or being aware of the truth of the case, but unprepared with any means of adjustment. In this latter case he puts the difficulty aside, and presses forward a plan which he admits to be unsound in a vital part.

For what worse thing could be done for the character of vestries than to reconstruct them upon this principle? Nay, more, what could inflict a heavier blow upon the character of the Church at large? What is there that would add fresher force and a keener edge to the reproach now so justly cast upon the Church of England that she makes no attempt to exercise the power of spiritual censure according to the law of Church and State.* This power is one of her chief trusts, to be exercised by her officers for the good of the whole multitude of the faithful. The abandonment of the

* Article XXXIII. Commination Service, 53 George III. c. 127; 2 & 3 Will. IV. c. 93.

CHAP. IX.

That it is a good thing to get Dissenters out of vestries.

trust is ever quoted by the nonconformist as one of the arguments against the Church of England upon which he most relies; and doubtless it is the point of all others in which the defence of the Church of England is the weakest.

And yet the exemptionist gravely proposes to "purify" vestries, and make them "fitter to do the Church's work," by the legal exclusion of those who exempt themselves from payment of Church rate; but he takes no thought for the spiritual exclusion of those whose life and conversation is a reproach and a scandal to the parish or place in which they live. It may not, unhappily, be possible to provide effectually for the latter; but if this be so, it is a reason against proceeding with the former, which, in the judgment of the writer, cannot be lawfully overcome. It is surely a strong argument against a scheme which is in itself open to the gravest objections, that it cannot be carried into effect without exposing in an aggravated shape what is the principal weakness in the position of the National Church.

And if it could be overcome, is it churchmanship or statesmanship to set about drawing a hard line of an offensive character between the Churchman and the nonconformist? Is it not truer policy to bear with evils in the creation of which all parties have had their share; with steady faith in the national position of the Church of England, to abstain from all policy of exclusion; and, in the more earnest and consistent keeping of her rule of life, to labour to win men back to the fold?

If self-exemption from payment of Church rate were to be made law, which the writer believes it cannot be, it would be a far less evil to give it without putting any price upon it. As it is, the proposal is no less injurious

CHAP. IX.

to the Church than it is offensive to the nonconformist body.

That power to self-exempt would get Dissenters out of vestries.

III. *That power to self-exempt would get Dissenters out of Vestries.*

This proposition is based upon two assumed facts which are not facts, and affirms a probability which is not a probability.

The facts assumed are—1. That the object of abolitionists of Church rate is limited to relief from payment of Church rate; and—2. That they are content, in return for this relief, to see themselves excluded from vestries.

Now the abolitionist denies both these things. And he has taken care that there shall be no mistake about his denial. And certainly those who originate and develope an agitation must in all reason be allowed to be the best judges of the purpose or purposes of that agitation. If, on the other hand, those who profess to undertake the defence of the Church refuse to look the agitation in the face, assign a purpose to it which is not its purpose, and propose a remedy which does not touch the complaint, it must needs be that they assume, as all exemptionists assume, these facts which are not facts. But then, as they have proceeded in their own case, not upon facts, but upon assumptions, the truth of which has been denied again and again by those who best know what they are about, they can hardly expect to make any wide or permanent impression upon the public mind. Accordingly there is much evidence to show that the number of those who are disposed to regard exemption with more or less of favour has been much diminished within the last twelve months.

Proceeding upon the assumption of facts which are

not facts, the exemptionist affirms a probability which is not a probability.

That power to self-exempt would get Dissenters out of vestries.

There is no probability that the abolitionist will be so untrue to his own agitation, and so unwise in respect of working out his own purposes, as to withdraw himself, for the sake of saving the amount of his Church rate, from the position which he holds as a member of the vestry. He knows well how difficult, if not impossible, it would be to replace the advantages of that position; and if any unwary individuals were disposed to surrender it, the Liberation Society would no doubt take care that no such mistake was committed generally.

IV. *That it is just to the community that Rate payers self-exempted should retain privileges of those who are not self-exempted.*

If by "just" is meant "fair and even," which is its primary sense in respect of the relations between members of the same community, this is impossible. It may be expedient, under special and exceptional circumstances of the social state; but then the expediency must be clear and undisputed, in which case it would be "just" in a secondary sense; because, though the burden be laid only on some and the benefit shared by all, still no one could reasonably complain that he was aggrieved.

But, in default of such clear and undisputed public expediency, it cannot be "just" even in a secondary sense. And it must be carefully borne in mind that the proof of expediency must be altogether clear and satisfactory, because the *à priori* objection which has to be overcome is one of the strongest character.

CHAP. IX.

V. *That money collected for a public purpose upon the system of self-exemption is a rate.*

That money collected for a public purpose upon the system of self-exemption is a rate.

Rates are either national or local. A national rate is obligatory either by Common law, as the Church rate, or by Statute law, as the Poor rate. A local rate is obligatory by special statute for a local purpose.

But there is no instance of a rate, national or local, from the payment of which a rate-payer may exempt himself at his own pleasure, simply because he does not approve of the object or objects to which the rate is applied. Money raised under such conditions is a voluntary contribution, not a rate; and had better at once be called by its real name.* But then what becomes of all the exemptionists' talk about the saving of Church rate?

It may not inconveniently be noted in this place, what indeed is one of the most significant and the most alarming evidences of the spirit and temper of the time, that the same period which sees this assault made upon Church rate, sees also a growing tendency to establish an "Education" rate. Now the two things represent two exactly opposite principles: Church rate, the principle of dogmatic teaching, resting upon authority external to and independent of the recipient; "Education" rate, the principle, of which the only dogma is, that nothing is to be imposed upon the individual conscience as matter of Faith, but what the individual conscience is ready to accept.† Now there are many persons in this country, Churchmen and not Churchmen, who would feel it as great a grievance upon conscience to be required to pay an "Education" rate, as any dissenter has ever felt it to pay a Church rate, because, regarding education as a matter not only of religion *in general*,

* See Chap. II. p. 19. † See Chap. IV. p. 81.

That money collected for a public purpose upon the system of self-exemption is a rate.

but of religion *in special*, they cannot be satisfied to contribute to the support of schools which must be conducted upon the principle of setting aside all distinctive teaching. But it is apprehended that no one who desires to see an "Education" rate established by law, whether general or permissive, contemplates the self-exemption of those who do not approve of its application, though the disapproval be on grounds of conscience.

VI. *That if self-exemption from Church rate be made law, the Church will still be the National Church.*

It is sufficient to observe in this place, that to make a Church national, in respect of its endowments, two things are necessary:

I. That the State either supply or guarantee the provision for the ministers of the Church.

II. That the State either supply or guarantee the provision for the means of worship.

Without both these things it is not easy to understand what is meant by a "National Church," and the case becomes, if possible, a stronger case, when either of them, having been provided or guaranteed from time immemorial, is withdrawn by State enactment.

For the rejection of exemption by the abolitionists, and the reasons of such rejection, see the Petition of the Executive Committee of the "Liberation Society" to the House of Commons, 1860,—Clauses 19, 20, 21, 22, 23, 24.*

* The Petition is printed at length, pp. 171—7.

CHAP. IX.

COMMUTATION.

That it is advisable to provide by law for the commutation of the present liability to pay Church rate for a sum of money, to be invested for the use and benefit of the Church.

I. *That it is advisable to provide by law for the commutation of the present liability to pay Church rate; for a sum of money, to be invested for the use and benefit of the Church.*

This assumes, that the whole grievance of the abolitionist is confined to the payment of yearly rates; whereas, so far from this being the case, his *bonâ fide* grievance is not a money grievance at all.

The proposition therefore does not meet the case, and is fallacious.

All propositions, indeed, of this character may be very well for Churchmen to speculate about, but as modes and means of satisfying the agitation, they are out of place and valueless.

GENERAL.

I. *That Church rate may lawfully be surrendered by the Church.*

This fallacy appears to hinge upon the want of a true perception of what Church rate is.

1st. It is essential to any proper existence of the National Church; because without it there is nothing left whereby the State either supplies or guarantees the means of worship to the people. For the legislature is in no position now to charge the Church rate upon the Consolidated Fund, or to pass a law requiring rate-payers to commute the charge now imposed upon them from time to time by the present payment of a sum of money, to be invested for the supply of the same wants which have hitherto been supplied by Church rate. Either of these proposals would be far more objection-

That Church rate may lawfully be surrendered by the Church.

able to the nonconformist than the continued payment of Church rate itself; because either of them would propound anew the precise principle of Church and State, against which all their efforts are directed. Wherefore the legislature is in no position to do either, except at the price of an increased agitation; and there is nothing left but Church rate whereby the duty of the State to the people, in respect of supplying or guaranteeing the means of worship, may be done.

It would appear then that the legislature itself, having regard to the fact of the National Church, is in no position to abolish Church rate: *à fortiori*, then, the Church may not voluntarily surrender it; and, if not the Church, then no Churchman.

If the legislature, nevertheless, do abolish it, Churchmen have nothing to do but to obey the law, and strive, so far as is possible, to repair the breach that will have been made. But they should be very careful that they be no parties to the abolition, directly or indirectly.

2nd. Church rate is the endowment of the poor man in respect of his spiritual wants. This is a *trust* committed to every Churchman and every statesman, to keep, and not to abolish.

II. *That the principle of a National Church has been done away.*

This is the special fallacy which had to be met and exposed at the beginning of the argument, as proceeding both from those who desire to abolish, and from some of those who desire to maintain it. The reader is referred to Ch. ii. pp. 12-21.

It may be useful, however, to add in this place that to say that the Church of England is the National Church, because it is *for all the nation*, is a different

CHAP. IX.

That the principle of a National Church has been done away.

thing from saying that it is the National Church, because all the nation is *for it.* The first is a fact, the second is not. Writers and speakers of some eminence appear to confuse the two in such sort as to represent those who affirm the fact as affirming what is not the fact.

III. *That any "settlement of the question" which shall come short of abolition will satisfy the abolitionist.*

All *à priori* reasoning upon the subject of the Church rate agitation appears to lead to the same conclusion, viz. that abolition itself would have no power to "satisfy the abolitionist." Abolition of Church rate is sought, not for itself, but as a means to an end—or to put it in another way, Church rate is one of many things which are parts of Church and State, all of which the abolitionist proposes to destroy. There are causes obvious enough, which make Church rate more ready to his hand at this time than any other of these objects of assault. But when he has got rid of that, he has only got rid of one thing among many. Satisfied, therefore, he cannot be. This is put very shortly and plainly in the three questions and answers, Nos. 1619, 1696, 1697, Report of the Lords' Committee, 1860 :—

"*Q.* 1619. I think the Committee understand that you give it quite as your impression that if the Church rate question was settled to-morrow, it would not tend to produce what I may call peace between the Established Church and the body of Evangelical Dissenters?

"*A.* It could not be regarded as settling the questions in which we feel that we have an interest."

It will be observed that the term used in the question is not "abolition," but "settlement of the question;" which is commonly used to mean something short of abolition. But it would appear that the gist of all the

That any "settlement of the question" which shall come short of abolition will satisfy the abolitionist.

three questions, with their answers, is to ask and reply as to the effects of abolition, and not of anything short of it.

"*Q.* 1696. You think that any idea that collision between the two parties would subside by a settlement of the Church-rate question is a short-sighted view?

"*A.* Yes, I think the question at issue is a principle that must involve much more than that.

"*Q.* 1697. And as long as the Established Church exists, there will be the same point of difference as there is now; it is a mere question of detail?

"*A.* That is my judgment."

Evidence of Charles James Forster Esq. LL.D.

A fortiori then that any "settlement of the question" which shall come short of abolition, will "satisfy the abolitionist," is a fallacy. It is a pity that the advocates for compromise cannot bring themselves to look in the face a fact so plain and simple.

IV. *That, if not this, it will yet pass Parliament.*

The intention of this is to dispose men's minds to accept some plan, and to unite in pressing it upon the legislature, which, while it shall be short of abolition, shall concede something to the demands of the abolitionist.

The question is, whether such view of the parliamentary prospects of the question proceed upon any reliable grounds? Because, if the grounds be not reliable, the suggestions built upon them ought not to be made, and can only end in disappointment and in injury to the efforts of churchmen to maintain the true position.

Now it is not easy to understand, upon any means of

CHAP. IX.

That, if not this, it will yet pass Parliament.

judging of the probable action of Parliament which we at present possess, what that combination of votes may be to which it is looked to exact some "settlement" of the question by way of compromise.

By "compromise," is meant here, as in all other places where the term is used, the surrender of any portion of the immemorial right of the Church to payment of Church rate by all occupiers of house or land*; and not the amendment of the existing law in those particulars in which, by the consent of all parties, it requires amendment. Such amendment has indeed nothing of compromise about it. But there is so much popular misapprehension in connection with this question, that it is necessary for a writer to guard his meaning at every step.

The more the true nature of the question is examined, the more prevailing does the persuasion become, in and out of Parliament; that the principle and the objects of those who would abolish, and of those who would maintain Church rate, are in such sort antagonistic, and identified with contradictory views of the duties and the obligations of an English citizen, as to make any adjustment by way of compromise impossible.

V. *That the quieting of the agitation, thus attained, would be worth having.*

To make the argument here intended of any force or value two things have to be assumed: 1. That the

* Whether the surrender be what is popularly called a "compromise"—that is, whether something be exacted in return for what is surrendered; or whether it be a simple surrender, makes no real difference. The Church loses heavily either way, from the nature of her position.

agitation would be quieted. 2. That such quieting of it might reasonably be expected to last.

That the quieting of the agitation, thus attained, would be worth having.

Now there is absolutely no ground for assuming either of these things; and the minor premiss of the argument being thus a groundless assumption, the conclusion is a fallacy.

VI. *That it would make and keep peace to get rid of Church rate.*

There are two ways of making peace, and keeping peace, between those who represent conflicting interests.

1. When a grievance *is* admitted to be a real grievance, and understood to be *bona fide* contained within itself, and not to cover some further and greater grievance which *is not* admitted, in this case to do it away frankly and freely.

2. Failing these conditions of the alleged grievance, to show that you have made up your mind to maintain temperately, but steady and uncompromisingly, and to the utmost of your power, your own interests.

There is no other way that the writer knows of "keeping peace."*

* The Executive Committee of the "Liberation Society" views the matter differently. They appear to think that when an alleged grievance *is not admitted*, and when it is known that its removal is only sought *with an ulterior object*, it is, nevertheless, reasonable that the said alleged grievance be removed, for the express purpose of paving the way for aiming at the ulterior object. Their statement is so curious in its self-complacency, and so wonderful as a piece of reasoning, that it deserves to be quoted. It is the concluding clause of their petition to the House of Commons, 1860:—

"That while your petitioners do not conceal, but, on the contrary, have always avowed their desire to bring about, in a constitutional manner, *other* changes in the laws affecting the relationship of the

CHAP. IX.

That it would make and keep peace to get rid of Church rate.

The action of Parliament in 1860 in respect to the Endowed Schools Bill, and the consequences of that action in 1861, show that "peace can neither be made nor kept by compromising trusts."

VII. *That the abolition of Church rate would bring dissenters to the Church.*

If *all* the objections of dissenters to the Church were summed up in Church rate; or even if Church rate were *the principal* matter of their objection, this might very well be probable. But as neither of these is the fact, it is not probable. And the real account of the matter is just this; that so far from bringing dissenters to the Church, the abolition of Church rate in deference to their agitation would, in all reason, have no other effect than to encourage and stimulate them to make renewed efforts for the further reduction of the position of the National Church to the level of their own nonconformity.

VIII. *That Church rate is only a personal liability.*

Church rate is a "personal" liability, in that the recovery of it is against the personalty of the occupier of the land or house rated, and not against the land or house. It is a "real" liability, in that it is assessed according to the rateable value of the land or house.

State to religious bodies, they declare their unaffected belief that the abolition of Church rate would restore peace to the parishes in which they are now the occasion of lamentable dissension, *and would thus leave the discussion of other and larger measures to be carried on under circumstances far less likely to excite personal animosities and local strifes.*

The italics are the writer's —

"Solitudinem faciunt, pacem appellant."

CHAP. IX.

That Church rate is only a personal liability.

Lindwood states the question and replies to it :*—

"Supposità ergo consuetudine prælibatâ, nunquid teneantur Parochiani ad reparationem hujusmodi tanquam pro onere reali, vel tanquam personali?

"Videtur quod pro onere personali." Having quoted the authority for this conclusion, and explained that it does not apply, he proceeds—

"Credo tamen contra, sc. quod unusquisque Parochianus teneatur ad hoc juxta portionem glebæ seu terræ quam possidet intra ipsam Parochiam, et juxta numerum animalium quæ nutrit ibidem."

"Gleba" is Church land; "terra" all other land. These two descriptions of land, with the houses upon them, and the "animalia" which they carried, made up almost the entire property, real and personal, of the times to which Lindwood refers.

IX. *That Church rate is wrong because it provokes contest.*

This argument proves too much, which is one of the commonest fallacies. If it be objected to Church rate that it provokes contest, it is sufficient to answer that the same objection lies against Christianity itself.

Our Blessed LORD has told us what would be one effect of HIS coming. St. Matt. x. 34—36. St. Luke xii. 49, 51—53.

GOD'S gifts are given in their measure, and as HE wills, to all, for purposes of blessing. But there is no one of them which "the lust of the flesh," or "the lust of the eye," or "the pride of life" may not turn into a curse.

* Lindwood's Gloss. upon "Constitutio Dom. Othoboni de domibus Ecclesiarum reficiendis." Oxon, 1679. *Ante*, p. 52.

CHAP. IX.

X. *That Church rate is wrong in itself, because vexatious to Parliament and inconvenient to Government.*

This may be a reason why members of Parliament and Government should dislike to hear of Church rate, though it cannot be a good and sufficient reason. But it can be no reason why Church rate should be wrong in itself.

XI. *That Church rate is wrong in itself because not perfect in action.*

Again, proves too much,—applies to all systems and all institutions. But Church rate, notwithstanding all that has been said and done against it by its enemies, *and by its friends* (the friends have been far the worst enemies of the two), happens to be an institution, not only very venerable and very sacred, but an institution which, *in every case where men have been faithful to it*, has worked excellently well, and has been as nearly perfect in action as any system can be which has men for its instruments and agents.

XII. *That, because the standard of the towns in respect of Church rate is low, the standard of the country parishes, in the same respect, should be made low also.*

This proposition answers itself. There is nothing on record more extravagantly and odiously unjust and selfish than the attempt to force the unhappy condition of many of the towns, in respect of Church rate, upon the country parishes. No one pretends to say that the first is a good condition: no one pretends to say that the last is a bad condition. But, because the towns

CHAP. IX.

have made themselves heard and felt in Parliament, and the country parishes do not, from the nature of things, readily make themselves heard and felt in Parliament, what is good in itself, and sanctioned by every sanction which Englishmen most respect, is to be destroyed; and what is so bad that it has absolutely nothing to recommend it, is to be put in its place.

That, because the standard of the towns in respect of Church rate is low, the standard of the country parishes, in the same respect, should be made low also.

There are some Churchmen who are quite alive to the enormity of this proposition, but who think that it might be well to draw a line between town and country—to accept and stereotype by law for all towns what is the unhappy condition of some towns, leaving the country parishes in the enjoyment of their immemorial privilege of Church rate. The writer has never heard any solid reasons advanced for this proposition, nor is he able to understand by what process it could be legally established, having regard to the many difficulties which must present themselves in the adjustment of details.

But if none of these difficulties existed, he protests against the national wrong which would be done to the towns by thus closing the door upon all amendment in their case; leaving them no "locus pœnitentiæ," and, as it were, finally decreeing their excommunication, and casting them forth from the bosom of the National Church.

Who shall say what may not yet be done, with the Divine blessing, by faithful Churchmen of our towns, by loving and kindly and gentle spirits, to bring their fellow-townsmen to confess the value of all that has been cast away by abeyance of Church rate*, and to

* Compare No. 1288, Minutes of Evidence: Committee of House of Lords, 1859.

The Rev. A. Hume, LL.D., Incumbent of the new parish of Vauxhall, Liverpool, examined:—

Q. "It has sometimes been suggested that Church rates should

CHAP. IX.

replace themselves once more in their true position as citizens and Churchmen?

XIII. *That the Church is not national, because the State did not give it the tithe and the rate.*

A small section of what is called "High Church" suffers much, and not unjustly, in public estimation by statements of this kind, which are affirmed too generally, and are therefore fallacious in themselves, however they may find acceptance with ardent and uninformed minds as if they were truths. The disrepute is, not unnaturally, extended to many who are not answerable for the statements.

What good purpose it can serve to affirm positive general propositions about the origin and the nature of Church property—which are things by no means clear —instead of accepting thankfully the immemorial guarantee of the State, does not appear.

XIV. *That the system of Church rate is not national, because dependent for its exercise upon local vote.*

If it is the distinctive character of a National Institution, a character inherent in its nature, that it have

be continued in country places, but abolished in towns. Are you o opinion that there is even more cogent reason for maintaining Church rates in the large manufacturing towns than in the rural parts?

A. "I see reasons of an hundredfold force why they should be continued in the large towns. Our population in England is rapidly increasing; but it is still more rapidly becoming a town population. In 1851, we had 9,000,000 in towns of 10,000 people and upwards, and only 8,000,000 in smaller towns, in villages, and in rural districts; and at the close of the present century, I believe that 70 per cent. of the gross population will be found seated in large towns. Therefore, if our large towns are left to themselves, practical heathenism must inevitably soon outgrow Christianity."

not one general, but many particular centres of action; and if it has been its rule, from the first, that it be set in motion by local vote, how does this make it to be not national?

That the system of Church rate is not national, because dependent for its exercise upon local vote.

Such reasoners do not, it would seem, perceive clearly that what they are about in using this fallacy is an attempt to find some excuse for themselves for abandoning what, even in their eyes, looks very like a National system. The method they adopt is this. They argue from an unnatural state of things existing in some places now, where a majority refuse a rate, to an implied defect (which is no defect at all, but the reverse) in the natural state of things, when no majority refused a rate. So long as the natural state of things remained, no man ever said or thought it to be an argument against the National character of Church rate that its exercise depended upon local vote. The statement in itself is an absurdity; and the only thing that lends it any colour is a predisposition to deal with principles as though they were only political expedients, and with the trusts of the Church as though they were only conventional obligations.

XV. *That Church rate is the only form of State aid remaining.*

This is scarcely consistent with No. XIII.; and yet both appeared in the same columns. Granting the proposition to be true, it is a very cogent reason for preserving Church rate inviolate.

XVI. *That the present system is the Voluntary system.*

This is one of the most remarkable instances of confusion of two things which are palpably distinct, of

CHAP. IX.

That the present system is the Voluntary system.

which the writer has any cognisance; and yet it has obtained the sanction of no less an authority than a late Secretary of State.*

"The voluntary system" is that under which each individual decides and acts by and for himself.

"The present system" is that of the legal liability of every occupier of house or land to pay Church rate, such legal liability (according to the rule of the final judgment in the Braintree case) requiring the vote of a majority of rate-payers to give it effect.

"The present system" is therefore not "the voluntary system." It is the national system *sub modo.*

In certain places this system *is in abeyance* by the vote of a majority adverse to Church rate.

But that vote may be amended any day in any place or places; in which case the national system, in respect of such place or places, would revive.

On the other hand, if Church rate be abolished, or if the principle of self-exemption be introduced, in either case the system will *then* become "the voluntary system." The national system will have been destroyed for all those many thousand parishes which use it thankfully as the best system they can have, and there will be no national system to revive *sub modo* or *sine modo*, however the majority of the rate-payers, in any place or places where the rate has been in abeyance, may desire it.

* Minutes of Evidence before Select Committee of House of Lords, 1859; evidence of the Right Hon. T. H. S. S. Estcourt, M.P., p. 97, No. 943. Compare Minutes, 1860; evidence of G. Coode, Esq.; Lord Wensleydale's remark, No. 335, p. 38.

XVII. *That the National Church is so strong and so secure that it can very well afford to lose something.*

There is an immorality about this which is frightful; and yet it is much to be feared that there is no one of all the fallacies with which this question has been overlaid, that has greater power to deceive.

The goodness of GOD in preserving the National Church and in adding to it strength and beauty — all its shortcomings notwithstanding—is thus converted into a justification for impairing its strength and defacing its beauty.

GOD will preserve His Church to those who are faithful; and, in them, to many who are not faithful from ignorance or from infirmity. But if a man deliberately propose to himself to abandon any portion of the Church's inheritance, and, for whatever reason, to surrender any portion of her National position, he is not only no faithful son and soldier of the Church, but his unfaithfulness is of that character which is without excuse.

XVIII. *That the contest is hopeless.*

This is an argument from what is past to what is present and to what is to come.

Now, unless it can be shown that there is reasonable ground to say and to anticipate that the character and the circumstances of the three periods are and will be in agreement, the argument is a fallacy.

In the period that is past are found three principal circumstances.

1. The active hostility of the abolitionist.

2. The apathy, indolent security, and inaction of the Churchman.

CHAP. IX.

That the contest is hopeless.

3. Consequent upon these two combined, the adverse votes in the House of Commons.

No. 1 remains the same, and will probably increase. The only present difference consists in a fuller development of its purpose.

No. 2 is changed, and is in process of complete change.

No. 3 is modified in consequence (*a*) of the fuller development of the purpose of No. 1, and (*b*) of the change which has been made in No. 2.

The argument is therefore a fallacy.

It would be well if this were all that has to be said.

But when it is taken into account who they are who use the fallacy, it has to be added that the futility of the argument is a small matter when compared with the unfaithfulness of those who use it.

That a great cause should be *assailed from without* is nothing. That it should be *betrayed from within* is much.

The betrayal may not be, and in the present case the writer fully believes it is not, intentional. It arises no doubt from some one or more of those causes which have been stated, Ch. I. p. 7.

But it is not the less for that a betrayal.

And when the cause is a sacred trust—a trust in behalf of the poor of GOD'S Church—and when those who use the fallacy, and repeat, under various forms of expression, that the cause is hopeless, and that Churchmen generally had better abandon it (for it is absurd to say that in any such case compromise and abandonment are not in effect the same thing), are members of that Church,—men who should have faith that, if they will do their duty by the trust, humbly, steadfastly, gently, charitably, the Great Head of the Church, who has committed it to them to keep and to deliver, will

That the contest is hopeless.

not suffer it to fail,—it is difficult to repress indignation at the instances of self-relying, half-hearted, fallacious, and flippant counsel to which a portion of the "Church" press gives repeated currency.

That Churchmen in 1861 should repeat, week after week, that the only choice of the Church lies between abolition of Church rate and some compromise of its principle, touching which "compromise" no two Churchmen have as yet been able to agree, would only excite a feeling of ridicule, were it not that the interests involved are a precious national inheritance and a sacred trust.

The writer has thus endeavoured to discharge the duty of stating and exposing the fallacies with which this question has been encumbered both on the part of those who would destroy, and on the part of those who would maintain, Church rate.

He is not aware of any other fallacies which require to be handled. The two vulgar fallacies, (1) "That Church rate is a paltry question of a sum of money," (2) "That it is a parson's question," have exposed and refuted themselves.

CHAP. X.

LEGAL POSITION ANTERIOR AND SUBSEQUENT TO THE BRAINTREE CASE.

CHAP. X.

It is scarcely necessary for the writer to state, that the contents of this chapter are an abridgment of the labours of other men, who are, what he is not, learned in the law and competent to say what is, and what is not, the exact force of a legal decision. His share in it has therefore been confined, with some few exceptions, to a search into the best and most reliable authorities, and to an endeavour to state simply and plainly the issues of that search prior and subsequent to the judgment of the House of Lords in the Braintree case, delivered August 12, 1853.

Up to the time of that judgment there had been an uncertainty about the law of Church rate in a principal particular, viz.: whether, a vestry being duly assembled for the purposes of making a rate, it was necessary to the validity of the rate that the majority of the rate-payers then and there assembled should be consenting to it.

Looking back to great authorities upon the canon law, we certainly find that the principle of the decision by a majority is to be applied to the making of a Church rate. It is, however, to be observed, that in the times to which these authorities refer, as the foundation of their account of the matter, the fact of a majority of the parishioners refusing to make any rate at all could not

have been contemplated; and that the expression may therefore only apply to the amount of the rate, which may very well be a question for the decision of the majority.

Upon this view, the common law liability of the parishioners of every parish to make *a* rate for the church and churchyard, and the necessaries of Divine worship, would be reconcilable in practice with the exercise of their discretion in respect of the amount, the last being decided by vote of the majority. And the writer, with great deference to better opinions than his own, submits that this * would have been a state of things more consonant to the general principles of law, than that which is the result of the decision of 1852. For, as the matter now stands, it presents the anomaly of a common law liability†, recognised by statute, but

* Viz., that the vestry must make *some* rate upon the requisition of the churchwardens, the *only* question for decision by a majority being the *amount* of such rate.

† Lord Chief Justice Tindal, in delivering the judgment of the Court of Exchequer Chamber, Monday, February 8, 1841, said:—

"We are all of opinion that the obligation by which the parishioners, that is, the actual residents within, or the occupiers of lands or tenements in every parish, are bound to repair the body of the parish church whenever necessary, and to provide all things essential to the performance of Divine Service therein, is an obligation imposed on them by the common law of the land.

Repairs of church obligatory on parishioners.

By common law.

"That such obligation is not grounded on the force of the general ecclesiastical law, is manifest from this: that, by the authority of all the writers on the general canon law, the repairs of the whole of the parish church, both the body and the chancel, fall upon the rectors or owners of the tithes, except that by custom in some countries part falls upon the parishioners. Whereas in England, to use the words of Johannes de Athonâ, in his Commentary on the Legatine Constitution of Cardinal Othobon, passed in the year 1268, 'by the common custom of England, the repair of the nave of the church in which the lay parishioners sit, falls upon the parishioners themselves; but the repair of the chancel falls on the

Not by ecclesiastical law.

CHAP. X.

which cannot in practice be enforced upon such as refuse to discharge it. It is true that every rate-payer rector.' Or again, as Lyndewode says, page 53, 'by custom,' that is, by the common law, 'the burden of reparation, at least, of the nave of the church is transferred upon the parishioners.'

Not by ecclesiastical law.

Antiquity of the obligation.

"No trace can be found in any of our books of an obligation on parishioners to repair the parish churches throughout the whole of the realm, less wide and extensive than this. And as to the antiquity of this obligation, the case cited in argument from the Year Books, 44th Edward III., folio 18, whilst it establishes the fact that Church rates were made by the parishioners at so early a period as the year 1370, does at the same time, by pleading a custom from time immemorial within the particular parish, to levy the amount of the rate on each parishioner by distress, necessarily carry back beyond the time of legal memory the obligation of the parishioners to make a rate upon themselves for the reparation of the parish church. And such a custom existing beyond the time of legal memory, and extending over the whole realm, is no other than the common law of England.

Parishioners compellable to repair the church.

"Such then being the law of the land, it follows as a necessary consequence that the repair of the fabric of the church is a duty which the parishioners are compellable to perform, not a mere voluntary act which they may perform or decline at their own discretion; that the law is imperative upon them absolutely that they do repair the church, not binding on them in a qualified, limited manner only, that they may repair or not as they think fit; and that where it so happens that the fabric of the church stands in need of repair, the only question upon which the parishioners, when convened together to make a rate, can by law deliberate and determine, is not whether they will repair the church or not (for upon that point they are concluded by the law), but how and in what manner the common law obligation so binding upon them may be best and most effectually, and at the same time most conveniently, performed and carried into effect. *The parishioners have no more power to throw off the burden of the repair of the church than that of the repair of bridges and highways, the compelling of the performance of the latter obligation belonging exclusively to the temporal courts, whilst that of the former has been exercised usually, though perhaps not necessarily exclusively, by the spiritual courts from time immemorial.*"

The Lord Chancellor (Lord Truro), in the hearing of the case in House of Lords, February 16th and 17th, 1852, said:—

so refusing by his vote is liable to the censure of the spiritual court. But, as matter of fact, this is not now, nor perhaps has been at any time, an available and sufficient remedy for the wrong.

When we come to the times of the Reformation, it is observable that the "Reformatio Legum," in a passage cited Ch. III. p. 66, contemplated the imposition of a rate by the churchwardens with the consent of four of the principal parishioners. The opinion of Lord Stowell as to the "authority" of the "Reformatio Legum" is quoted in the same place.

There appear to be two leading cases in which the question has been raised of the power of any other than the majority of the rate-payers in vestry assembled to make a Church rate.

The first of these is the case in 1st Ventris, 367 (Trinity Term, 1683). In this case it appears that the court said "that the churchwardens (if the parish were summoned and refused to meet or make a rate) might make one alone for the expenses of the church, if needful, because that, if the repairs were neglected, the churchwardens were to be cited, and not the parishioners."

Upon this Lord Chief Justice Tindal observed in

"It is not now denied that it is clearly the common law duty of the parishioners of every parish to repair the church. Whatever doubts have been expressed—and some seem to have been entertained upon that subject—I believe the opinion is now universal I presume it is so amongst those who are well informed upon the subject) that it is a duty as imperative as any common law or statute duty which exists."

And again, in his place in the House of Lords, August 12, 1853:—

"It is admitted that the parishioners of every parish are under an imperative legal obligation to provide for the necessary repair of the church, and the expenses incidental to public worship."

CHAP. X.

Braintree case No. 1:—"That this is an *obiter dictum* of the court only, and not a resolution or judgment upon the point, is evident from this, that a rule was granted to show cause why a prohibition should not go in the particular case; and it is left uncertain whether the prohibition issued or not."

Again:—

"It is by no means inconsistent with the statement of the case, that the rate made by the churchwardens was made at the very meeting at which the majority refused their assent."

Again:—

"It is also to be remarked that Sir Simon Degge in his 'Parson's Counsellor's Law,' in all the editions which precede the case in Ventris's reports, mentions it only as his own private opinion, that if the parishioners refuse, the churchwardens may make a rate alone. 'If the parishioners,' he says, 'when they come together at such meeting, refuse or neglect to join in making such assessment, or refuse to meet, I conceive that the churchwardens, having just cause for such assessment, may proceed alone.'

"But in the edition of 1685, which was two years after the case in Ventris was determined, he adds for the first time, 'But some are of opinion that the churchwardens cannot proceed alone, but must compel the parishioners to do it by ecclesiastical censure, *ideo quære*,' and in all the subsequent editions he refers to 1st Ventris, 367; thus affording a very strong inference that he considered the case in Ventris as anything rather than an authority in support of his former proposition. The authority of Ayliff, in his Parergon, p. 456, is directly opposed to it."

The other case is that of Gauden *v.* Selby, decided

before Sir William Wynne on an appeal to the Court of Arches in 1799.

Upon this Lord Chief Justice Tindal says: "The Church rate in that case was made by the churchwardens at the same vestry meeting which had been duly summoned, and at which it had been refused by the majority of the parishioners there present. The churchwardens in that case required a rate at a larger sum, and a majority of the parishioners present refused it for that sum, though they were willing to grant it for a smaller; and the churchwardens, nevertheless, made the rate against the consent of the majority for the larger sum."*

Lord Chief Justice Tindal added:—

"We do not enter into the discussion whether a rate made by the churchwardens at the parish meeting, where the parishioners were then met, would have been valid or not. . . . It is obvious that there is a wide and substantial difference between the churchwardens

* Mr. Baron Martin, in delivering his opinion in House of Lords, June 25, 1852, thus sums up the facts of our legal history in respect of the power of the churchwardens alone to make a rate. After going through all the cases, he says:—

"The result seems to be that originally the opinion was that the major part of the parishioners assembled at a meeting in pursuance of notice were the proper parties to make the rate; that in the time of the Stuarts the spiritual courts in several instances decided that the churchwardens alone could make it; that this doctrine was steadily resisted by the Courts of Westminster Hall, and apparently set at rest by the case of Pierce *v.* Prouse, in the year 1695; that in 1799 Sir W. Wynne, the then judge of the Arches, anew asserted the right of the churchwardens to make the rate; but that, on the first occasion when this doctrine was brought under the cognisance of the Court of Queen's Bench, Burder *v.* Veley, that court, in the most explicit terms, adjudged it to be contrary to law, which judgment was affirmed in the Exchequer Chamber, and no writ of error brought therefrom to this House."

CHAP. X.

alone, or the churchwardens and minority together, making a rate at the meeting of the parishioners when the refusal takes place; and the churchwardens possessing the power of rating the parish by themselves at any future time, however distant. It is unnecessary, however, to discuss this point, as the facts of the case do not bring it before us. It is sufficient to say, whilst we give no opinion upon it, that we desire to be understood as reserving to ourselves the liberty of forming an opinion whenever the case shall recur."

Thus far for the legal position anterior to the judgment of August 12, 1853.

We will now review the facts of the Braintree case, with the several decisions upon them in the Law Courts.

The facts of the Braintree case are these:—

In the years 1834, 1836, 1837, rates were refused by the majority of the parishioners in vestry assembled.

Upon occasion of this last-named refusal, viz. that in 1837, the churchwardens, four days afterwards, proceeded of their own authority, and not at a vestry meeting, to make such rate as they considered necessary for the due performance of the duties of their office.

To enforce the payment of the rate so made a suit was commenced against a parishioner named Burder in the Consistory Court of the Bishop of London.

Dr. Lushington, the judge of that court, decided against the validity of the rate so made by the churchwardens alone.

This judgment was reversed in the Arches' Court of Canterbury by Sir Herbert Jenner Fust, who decided in favour of the validity of the rate, and was proceeding to decree payment thereof, when he was stayed by writ of prohibition, and his decision overruled by the

unanimous judgment of the Court of Queen's Bench, affirmed unanimously by the Court of the Exchequer Chamber.

In giving the judgment of the Exchequer Chamber Lord Chief Justice Tindal delivered the *obiter dictum* above quoted, p. 238. February 8, 1841.

The rate made by the churchwardens alone having been adjudged to be invalid, and the church continuing in a state of great and increasing dilapidation, a monition issued from the Consistory Court of the Bishop of London, June 30, 1841, enjoining the churchwardens to convene a vestry meeting, and requiring the parishioners to meet, and then and there "to make a rate for the necessary repair of the church, and for providing necessaries for Divine Service therein, and for the other expenses incident to the office of churchwarden for the then current year."

In pursuance of the monition a vestry meeting was duly assembled July 15, 1841, and adjourned to the body of the church; the Rev. Bernard Scale, the vicar, in the chair.

The churchwardens produced a survey and estimate recently made of repairs necessary to be immediately done to the parish church, 713*l.* 0*s.* 0*d.*, and also of incidental expenses, 20*l.* 6*s.* 0*d.*; and a rate of 2*s.* in the pound was moved and seconded, "on all property liable to contribute to a Church rate for and towards the necessary repairs of the church of this parish, and for providing necessaries for the decent celebration of Divine Service and offices therein, and for and towards the other expenses necessarily and legally incident to the office of churchwarden for the current year."

An amendment was moved and seconded, "That this vestry feel bound by the highest obligations of

CHAP. X.

social justice and of religious principle to refuse to make a rate, and does refuse accordingly."

Upon a show of hands a great majority appeared for the amendment, and was so declared by the chairman: no poll was demanded.

The question was then put, whether any other amendment was proposed, or any other proposition as to the amount of rate; to which no affirmative answer was returned.

The churchwardens then proposed that a rate of 2*s.* in the pound be made by those ratepayers who were willing to obey the monition; and a rate of 2*s.* in the pound was made accordingly, and signed by the vicar, the two churchwardens, and several rate-payers present: the mover of the amendment protesting against this act of the churchwardens, and against the rate so attempted to be made.

1842. To enforce the payment of the rate a suit was commenced, churchwardens *v.* Gosling, in the Consistory Court of the Bishop of London; and on May 4, 1842, judgment was given by Dr. Lushington against the validity of the rate.

The churchwardens appealed to the Arches' Court of Canterbury; and on March 25, 1843, judgment was given by Sir H. Jenner Fust, reversing the decision of the Consistory Court, and pronouncing in favour of the rate.

The plaintiff then applied to the Court of Queen's Bench for a writ of prohibition; and on Feb. 8, 1847, judgment was unanimously given by that Court in favour of the rate, and refusing prohibition.

The plaintiff thereupon appealed to the Court of Exchequer, and on January 22, 1850, judgment was given by that Court in favour of the rate by four judges to three:

Mr. Justice Maule, Mr. Baron Alderson,
Mr. Justice Cresswell, Mr. Platt,

holding the rate to be valid;

Lord Chief Justice Wilde, Mr. Baron Rolfe,
Mr. Baron Parke,

holding it to be invalid.

The writ of error came on for hearing in the House of Lords, and the judges were summoned: February 16 and 17, 1852.

Mr. Baron Parke, Mr. Justice Erle,
Mr. Justice Coleridge, Mr. Justice Williams,
Mr. Justice Maule, Mr. Justice Talfourd,
Mr. Justice Wightman, Mr. Baron Martin,
Mr. Baron Platt, Mr. Justice Crompton,

attended.

Counsel having been heard on both sides, the Lord Chancellor (Lord Truro) proposed that three questions be addressed to the learned judges:

1. Is the rate clearly invalid?
2. Does it appear to be valid?
3. Does a prohibition lie under the circumstances declared upon the record?

Four of the judges, Mr. Justice Coleridge, Mr. Justice Maule, Mr. Baron Platt, and Mr. Justice Wightman, pronounced the rate to be a valid rate. June 25.

Mr. Justice Talfourd expressed an opinion that the rate set forth did not appear to be an invalid rate, nor did it appear to be a valid rate, and that the prohibition ought not to go, inasmuch as the application for it was made after sentence.

The other five judges, Mr. Justice Crompton, Mr. Baron Martin, Mr. Justice Erle, Mr. Justice Williams, and Mr. Baron Parke, stated their opinions to be that the rate was an invalid rate.

Lord Truro, after delivering his opinion that the rate August 12, 1853.

CHAP. X.

was an invalid rate, recommended to their Lordships to reverse the judgment of the Exchequer Chamber and the judgment of the Court of Queen's Bench.

The Lord Chancellor (Lord Cranworth) concurred on the general ground that *a rate must be made by a majority, and that no other rate is valid.*

These words of Lord Cranworth may be taken as expressing what is now the law.

One great permanent advantage has been gained by this decision.

That advantage is, that it disposes absolutely of any "grievance" in respect of Church rate, of which a citizen can reasonably complain.

See the evidence of S. Toulmin Smith, Esq., quoted Ch. V. p. 102, and the speech of Earl Grey in the House of Lords, quoted Ch. VI. p. 135.

CHAP. XI.

AMENDMENTS OF LAW.

THESE, as very generally advocated, may be reduced under three heads:—

1. That impediments to the division of populous parishes into district parishes be removed; and the liability of the ratepayers of such district parishes to pay rate to the district church from the time of its consecration, and to none other, be clearly ascertained.
2. That the objects for which a Church rate may be made be defined.
3. That a simple and easy means be provided for the recovery of a rate.

It is the purpose of this chapter to inquire whether it be desirable to ask for amendment of the law in all these particulars; or, if not in all, in which of them, to what extent, and in what manner.

District parishes.

With respect to No. 1, there appears to be an almost universal consent that the present state of the law is a substantial grievance; has operated and operates as a great hindrance to the due extension, according to the requirements of the population, of the parochial system of the Church of England; and has been one principal cause of the unpopularity of Church rates among Church people in populous places.

CHAP. XI.

The rights of the mother church and of the incumbent of the original parish have, it would appear, been unduly pressed and considered. If the population of a parish have increased in any direction to such extent as to make a new church necessary, so that there is either no accommodation for them, or, in respect of distance, no available accommodation in the parish church, the first thing is to raise funds for the building of such new church, with provision for the minister; and so soon as the church is consecrated, it should become, to all intents and purposes whatsoever, a parish church; and the rate-payers of the new parish should come under the same liabilities as the rate-payers of any other parish, and under none other.

It cannot reasonably be maintained that it is a hardship upon the incumbent of the mother church, that he lose such portion of fees as, under the old state of things, he received from the inhabitants of the portion of the parish to be now separated; or even that he be called upon to give up some portion of his rent-charge for the support of the minister of the new parish; any more than the ratepayers of that part of the parish still reserved to the mother church can say that it is a hardship upon them that the sources of the rate payable to the mother church, and the number of the rate-payers who pay it, are diminished, and that the burden upon themselves has thus been increased in proportion. The exigencies of the case arising out of the increased number of souls to be provided with a church and a minister, and the necessaries of Divine Service, overrule all such considerations as these, and should be dealt with by the law as paramount.

The Act 19 Vict. c. 104, has done something towards improving the state of the Church in respect of district parishes. But increased facilities for the formation of such

parishes appear to be required.* The act does not touch the question of Church rate. Pending the struggle about Church rate in Parliament, it was not possible to do so without risking the almost certain defeat of the measure. And, indeed, till it can be taken for a settled parliamentary conclusion that Church rate is not to be abolished, but is to be maintained, it is idle to attempt to amend the law of Church rate.

Before we pass on to consider the proposed amendments of law Nos. 2 and 3, it is necessary to say something touching the basis upon which that consideration should be founded; because it would appear that there is some confusion about it in many quarters.

Report of 1832.

The report of the Ecclesiastical Courts' Commission, 1832, deals with both these points, but at that time the basis was not definitely ascertained. The judgment of the House of Lords, 1853, in the Braintree case, has made distinct what was before doubtful and disputed, and the consent of a majority of ratepayers in vestry assembled is now necessary to the making of a rate, and no rate made in any other way is valid. Those, then, who deal since 1853 with the Church rate question, must make up their minds clearly in the outset, whether they accept that decision as binding and final, or whether they are still seeking for some means of making good by statute the defect in the administration of the law, which has been left by the judgment.

At this period of the history of the question it may answer a good purpose to place before the public so much of the report of 1832, as is concerned with Church rate. No man will deny that great respect is

* The Nuneaton case, as stated in the evidence of the Rev. R. C. Savage before Select Committee of House of Lords, July 22, 1859, does not appear to establish the absolute freedom of district parishes from all liability to pay rates to the Mother Church as well as to the Church of the district parish.

CHAP. XI.

due to the authority of the names which are attached to the report.

Report of Ecclesiastical Commission.

23rd February, 1832.

Church rate.

The whole subject of Church rate demands immediate attention, for the mischiefs resulting from the present state of the law, are rapidly spreading.

It is the duty of the churchwardens to take care that the body of the church is duly repaired, and all things necessary for the decent performance of Divine Service provided; and the law imposes on the parishioners the burden of raising by Church rate the funds required to defray the expense. To this extent all authorities concur; but it will presently appear, that this statement is neither sufficiently comprehensive nor definite to furnish any safe guide in a great variety of cases frequently occurring. The subject must be traced a little more minutely.

Church rates ought to be made in vestry; presuming the churchwardens inclined to perform their duty correctly, they will, at a period soon after they are appointed, cause a vestry to be summoned, for the purpose of considering what expenses ought to be incurred, and making a rate accordingly. If the vestry meet and make the rate, there is little difficulty; if the parishioners wholly decline to attend, the churchwardens may proceed by themselves to make a valid rate; but if the vestry meet, and refuse to make a rate, or grant a rate insufficient for the purposes, difficulties arise which in the present state of the law are not easy to be surmounted.

An opinion is entertained by some very learned persons, that if the vestry refuses a rate the churchwardens may of their own authority make it; and

Report of Ecclesiastical Commission, 1832.

one of the reasons assigned in support of this opinion is, that the churchwardens are punishable in the Spiritual court for neglect of duty, if reparations are not done, or necessaries provided; and that, therefore, if the vestry do not furnish the requisite funds, the churchwardens must have authority to levy them; assuming this to be the law, still in practice much inconvenience will remain. The risk of litigation naturally indisposes churchwardens to take upon themselves this responsibility, especially as they have no funds in hand. If the churchwardens differ, as will not improbably be the case, a single churchwarden, even if it be competent to him, will not involve himself in such a transaction; but if the churchwardens make a rate under the circumstances stated, and such a rate were enforced, the difficulties are not at an end. The church, indeed, would then be repaired, and absolute necessaries provided; but those who are practically acquainted with Church rates, know that a considerable part of the expense, especially in towns, is made up of items which cannot be comprised under the head of reparations, nor strictly under that of articles necessary for the decent performance of Divine Service; for instance, the payment made for repairing the organ, and defraying the salary of the organist, and a great variety of other similar expenses. The consequence, therefore, may be, that assuming the churchwardens to have power, when the vestry refuses, to make a rate of their own authority, and that they exert such power, still the rate must be confined to the expense of reparations and absolute necessaries; all other expenditure, however sanctioned by custom and consonant with propriety, must be abandoned, and the confusion and consequent discord and discontent thus introduced into parishes cannot easily be overestimated. Whatever, therefore,

CHAP. XI.

may be the law in theory, in practice Church rates are not and will not be made by churchwardens alone.

For the more clearly understanding of this subject, we must bear in mind the distinction, not capable of being exactly defined, between those items of expenditure, which the law absolutely requires the parishioners to defray by rate, and for which, if the vestry refuse, the churchwardens may have the power of imposing a rate; and those other expenses, which a parish is not bound to incur, but which may be made a legal charge on the Church rate, by the sanction of a majority of vestry.

This latter description of expenditure includes alterations in the church, the erection of galleries and seats, payments to organist, beadles, &c., and all matters tending to the more comfortable accommodation of the parishioners in attending Divine Service, and the performance of the rites of the church. In all these cases the consent of the majority of vestry is necessary; but when given, it is not competent to any parishioner to object to the validity of the rate, on account of its being intended to cover such expenses.

It has sometimes happened that, by vote of vestry, expenses wholly foreign to the Church rate have been directed to be paid out of that fund, probably from the impracticability of discharging them out of the poor rate. This is a practice which should never be permitted, for it tends unduly to swell the nominal amount of the expenses of the church, and exposes the rate to the chance of being disputed by any parishioner dissatisfied with this course of proceeding.

In pursuing this branch of our inquiry, we are led to suggest several alterations, for the purpose of effecting the following objects:—

1st. For upholding the churches and chapels of the realm, and providing them with all things necessary for the decent performance of Divine Service.

2ndly. For defraying the expenses by just and equal assessments.

3rdly. For providing an easy and economical mode of recovering rates.

4thly. For setting at rest many doubtful questions, at present leading to litigation, and producing discontent.

We have not attempted in this report to take a complete view of the subject in all its ramifications, for it branches out into a great variety of minute detail. Nor are our suggestions calculated to remove all evils; if this question be brought under the consideration of the Legislature, a bill may be framed so as to comprehend many other useful regulations.

We propose, that it should be made imperative on the churchwardens, within a certain period after their appointment, to submit to vestry an estimate of the expenses to be incurred in the ensuing year, together with a detailed statement of the items. That, if the vestry refuse to make a rate, or make one for less than the churchwardens require, it shall be competent for the churchwardens, or either of them, to appeal to the next quarter sessions, who shall have power to make a rate, or to confirm the rate, or to increase the amount thereof, to any sum not exceeding the churchwarden's estimate. So also, when any rate is made by vestry, it shall be competent to any parishioner to appeal to the quarter sessions, for the purpose of having the rate quashed or modified. This

CHAP. XI.

power, we think, will be advantageously exercised by the quarter sessions.

And we therefore humbly recommend that all appeals against Church rates be made to the quarter sessions for the county in which the parish for which the rate is made is situate: and that all appeals against rates made for parishes within cities or towns which are counties, should (except from parishes within London) be to the nearest quarter sessions for the county.

To impose any restriction by attempting to enumerate the items which should be provided for by Church rate, we conceive would be a matter of great difficulty, and therefore it might be expedient simply to prohibit, in general terms, the admission of any expense unconnected with the Church.

It is most probable that these regulations would be sufficient to insure the due reparation of churches and chapels, and the provision of all things requisite for the due performance of the rites of the Church, especially as in almost all cases one of the churchwardens is nominated by the minister; but if still further measures should be deemed requisite, the bishop or archdeacon may be empowered, in cases of necessity, to cause an estimate to be prepared, and by the churchwardens submitted to the vestry, with a similar appeal to the quarter sessions. With respect to Ireland, by a recent statute*, a measure resembling this has received the sanction of the Legislature, and we think that it will be expedient to introduce it into England, under certain modifications.

All property forming a part of the Rectory is exempted from Church rate, whoever may be the occupier. With this exception, Church rate is imposed upon prin-

* 7 Geo. IV. c. 72.

ciples so closely resembling the rules in force for the making of poor rates, that no other substantial distinction can be discovered. Preserving the exemption to Church property, we think it might be expedient that Church rates should, for the future, be made upon the same assessment as the poor rates. The law has already provided effectual means for rendering that assessment just and equal; and by adopting the same standard for Church rates, objections on account of inequality of assessment will be prevented. There are two remedies for enforcing the payment of Church rates. When the amount to be recovered from an individual is less than 10*l.*, and the validity of the rate not disputed in the Ecclesiastical Court, recourse may be had, under an Act passed in the 53rd year of George the Third*, to two justices, who may enforce payment by distress. The Act last referred to requires to be amended. In other cases the Ecclesiastical Court exercises jurisdiction.

We should also recommend that the payment of Church rates should be enforced by the same means and remedies as are now applicable by law to poor rates. There is no distinction between rates for the maintenance of the Church and of the poor, which seems necessarily to call for a different mode of collection, nor do we anticipate any inconvenience from the adoption of this plan. It may be proper, too, to add that the removing these questions from the cognisance of the ecclesiastical tribunals appears to be a necessary consequence of our previous recommendations; for the inferior courts will cease to exercise jurisdiction, and in most questions of Church rate resort to the provincial courts would be attended with too much delay and expense.

* 53 Geo. III. c. 127.

CHAP. XI.

There remains another branch of this subject deserving attention. Churchwardens are, at present, compellable, by the authority of the Ecclesiastical Court, to produce their accounts; but no examination of them can ever take place before that jurisdiction; indeed even the production of them cannot be enforced, if they have been passed by vestry. If the vestry refuse to sanction any of the disbursements, as extravagant or unconnected with the church, there is no practical remedy against the churchwardens; even the recovery of moneys remaining in their hands cannot be easily accomplished. We think it would be advisable to assimilate churchwardens in all these respects to overseers of the poor.

Many minor regulations would also be requisite, all of which we do not attempt to set forth; but, for example, provision must be made for the case of large parishes divided into several districts, where, by ancient custom, many churchwardens or chapelwardens are elected, and those chosen for each particular district levy the quota fixed by custom upon that district. These cases are numerous in the north of England, and have, of late years, given rise to much dispute and embarrassment.

W. CANTUAR. (L.S.)
C. J. LONDON. (L.S.)
W. DUNELM. (L.S.)
J. LINCOLN. (L.S.)
W. ST. ASAPH. (L.S.)
CH. BANGOR. (L.S.)
TENTERDEN. (L.S.)
WYNFORD. (L.S.)
N. C. TYNDAL. (L.S.)
J. NICHOLL. (L.S.)
CHRIST. ROBINSON. (L.S.)
HERBERT JENNER. (L.S.)
C. E. CARRINGTON. (L.S.)
STEPHEN LUSHINGTON. (L.S.)
R. CUTLER FERGUSSON. (L.S.)

Appeal to Quarter Sessions.

It will be seen that the Commissioners instance, as a doubtful point, the power of others than the majority to make a rate; and that they give their judgment in

favour of such power to this extent, that they recommend an appeal to the quarter sessions with the view of securing a rate in cases where the majority shall have refused it. Now to give any such appeal is to assert the principle that the vote of the majority is not final, and may be overruled in favour of the vote of the minority; and this is inconsistent with the state of the law, as established by the decision in the Braintree case.

The specific proposition for an appellate jurisdiction by way of appeal to the quarter sessions, has been revived of late years; it is necessary, therefore, to point out that there is this difference between the circumstances under which it was originally made, and those under which it has been revived, viz., that the decision in the Braintree case has intervened between the two.

Character of decision in Braintree case.

Now it may very well be a question whether that decision express not the letter only, but the spirit also of the old Church rate law; for it seems not easy to understand how the spirit of that law can be expressed by a decision which at once affirms the common law liability of parishioners to repair, and practically exonerates them from the discharge of that liability, unless it be the pleasure of the majority to discharge it. The majority refusing to discharge, in effect exonerate themselves and the parish, because there is no power to compel the discharge, but one which is practically null.

When great authorities upon the canon law, such as Ayliffe and Gibson, speak of the majority of the parishioners governing the decision, there would therefore appear to be room to inquire whether they ought not to be understood as referring rather to a vote upon the amount of a rate, than to a vote upon the making of the rate itself. In old times, when all were of the one Faith, the refusal to make *a* rate could hardly be contemplated; but it would be easy to contemplate the

CHAP. XI.

making of an insufficient rate; and if the majority did this they were to be compelled by spiritual censure to a better discharge of their obligations.

It would appear, therefore, that the decision in the Braintree case does not express the spirit of the old law of Church rate, though it express the letter of that law.

But that decision to be accepted as the basis.

The writer is nevertheless satisfied that that decision should be accepted as the basis of all propositions for "promoting some more easy and effectual method of recovering Church rate."

In this view of the matter, there remains no place for appeal to quarter sessions in any case where the majority in vestry assembled have refused a rate. There is no remedy now in any such case practically efficient. There is the hope that the mind of the majority may change, and this is all; but with this we must be content. The decision in the Braintree case has placed the law upon this footing: one which when compared with the law of other rating—poor-rate and highway-rate—is eminently of a popular character, and which, as has been noticed, Ch. X., has nothing remaining about it which can be manufactured into a "grievance."

The question then is narrowed down to a single point. What is the best way of providing an easy means of recovering a rate when such rate has been voted by the majority, but is refused to be paid by one or more ratepayers?

Such refusal must proceed upon one of three grounds:—

(*a*) that the rate is not valid;
(*b*) that the party is not liable;
(*c*) that the assessment is unequal.

The two last grounds are easy to be disposed of by

magistrates in petty sessions with appeal to quarter sessions; the first is not quite so simple a matter.

For a rate may be invalid from two causes: 1. that it has been voted for purposes to which it is not properly applicable; 2. because the necessary legal forms have not been complied with.

This latter ground of alleged invalidity is again easy to dispose of. There remains the former only; and we have thus come in our analysis to the only point of any difficulty.

And it is at this point that the questions numbered 2 and 3 respectively at the head of this Chapter run up into each other. For, if the recovery of a rate be disputed before a court on the ground that it is made for improper objects, the court must have the means of ascertaining what are not improper objects.

Reasons for only defining very generally the objects to which Church rates may be applied.

But here, for many reasons, and among them for one principal reason,—that of not narrowing the common law right of parishioners, as a corporation, to vote a rate for any purposes which shall appear to the majority of them duly assembled to be for the general advantage,—a very broad and general definition of objects should suffice, one of the negative character laid down in the report above quoted. Beyond this point it would seem very undesirable to go, if indeed it be necessary, which appears to the writer to admit of much doubt, to enact even so much as this. It does not seem clear why the matter should not be left upon the yet broader ground of the right of the majority of the parishioners in vestry assembled to make a rate for any such purposes as appear to them to be for the general advantage. In this view there would be no room remaining for contesting the validity of a rate upon the ground that it has been voted for purposes to which it is not properly applicable.

CHAP. XI.

Care to be taken in transferring jurisdiction to save the authority and jurisdiction of the Visiting Ordinary.

The transference of the power of recovering Church rate, from the Ecclesiastical to the Civil court, upon the general principles laid down in the report above quoted, and subject to the rule of the decision in the Braintree case, would not appear to be a matter of difficulty. Two things, however, have to be borne in mind in making the transfer; one, that the authority and jurisdiction of the Visiting Ordinaries of the Church rest upon the Ecclesiastical Court: another, that every Visitation is itself a Court Ecclesiastical.

Therefore, in preparing any enactment for transferring from the Ecclesiastical to the Civil court the decision of questions of Church rates, which are closely connected with what is one principal business of a Visitation Court, care must be taken not to damage the authority and jurisdiction of the Visiting Ordinary.

The recovery of a rate and the supervision of its expenditure, are not necessarily bound up together. But it must not be forgotten that for a thousand years they have been the subject matter of the same jurisdiction; and that the severance of the former from that jurisdiction must have the effect of weakening the authority still reserved to it in respect of the latter, unless some means be provided for enforcing by the civil court the monition of the Ordinary.

CHAP. XII.

CONCLUSION.

CHAP. XII.

THE writer has endeavoured to discharge the duty which, as stated at the close of Chap. I., appears to him to be incumbent upon every one who attempts to place before the public the nature, and the position, and the issues of the Church-rate question. In doing this, it has been his aim to confine the argument within reasonable limits; to indicate sources of information rather than to supply *in extenso* the information itself; and to add such amount only of inquiry, and reasoning, and conclusions as might suffice to elucidate his meaning, and to present the matter in hand in something of a complete and connected shape.

He has never shared, even at the time when the case wore its worst aspect in Parliament, in the very common despondency that has prevailed; much less in the conclusion that the ultimate issue of the agitation would be a legislative abolition of the custom and law of Church rate. His language has always been that of hope and encouragement in this particular. The causes of the temporary success of the agitation have appeared to him to be at once too plain, and too weak as causes of permanent success, to allow reasonably of the use of such language in respect of the prospects of this question as has been common among churchmen.

But no man who regards the Established or National Church as the primary national gift and means of bless-

CHAP. XII.

ing to this people, can be free from thoughts and feelings of deep anxiety when he witnesses, on the one hand, year after year, the perseverance in active and increasing hostility of those who, for reasons of religion, or of politics, or of both combined, are labouring with zeal and energy worthy of a better cause, to weaken and impair, and in the end to destroy, the National position of the Church of England; and, on the other, the slumbering at their post, or what is even far worse, the active encouragement tendered to the adversary on the part of many churchmen. For it is a light matter that a great and precious trust be assailed from without, when compared with its being betrayed, consciously or unconsciously, from within. The secret of such betrayal is want of faith in the position; and where faith is not, there will at no time be found any attempt to defend and maintain the trust which is worthy to be called by the name of "defence."

But it is said, in reply, that it is rather an evidence of want of faith to show such concern and anxiety about what is, after all, only an adjunct of the position. And, doubtless, if Church rate were only an adjunct of the National position of the Church of England, the retort would have its weight; though, even in that case, a man might reasonably be asked to pause before he abandoned, at the bidding of an agitation twenty-eight years old,—an agitation based upon a principle inconsistent with the maintenance of any national institution, and no less questionable in its conduct than in its source,—the inheritance of eight centuries. But may not the venerable age of the institution reasonably suggest whether it be correct to describe it as an adjunct only? There are cases in history in which the bare statement of dates is a cogent, if not an unanswerable, argument; and there would appear to be no

case which exemplifies the fact more remarkably than the antiquity of the thing now assailed in England, when compared with the modern character of the assault.

And if, upon such and other considerations, it should appear to be the true account that Church rate is not only an adjunct, but, as has been insisted upon all along, an integral part of the position of the Church of England, as established or National, then the objection that it is a lack of faith to care so much about it is turned upon the objector; and he is bound to show cause why he should not be judged to be unfaithful, in act if not in purpose, as ready to surrender or to compromise what is not his either to surrender or to compromise, and what he has nothing to do with but to defend, and maintain, and improve.

Let us, for a moment, look the worst in the face, and suppose Church rate to have been abolished by law. It is a primary duty of a citizen to obey the law; and the path of a churchman would be a plain one. Cheerful submission first; then patient and steady endeavour to do what is possible to be done towards repairing the loss. To restore what would have been lost would not be possible. For even if the mind of the legislature were to change again, an ancient custom antecedent to law cannot be restored by law to *the same* position which it held originally among the institutions of the country. The Monarchy of England never died during the years of the "Commonwealth." It was not, therefore, resuscitated by the act of a repentant Parliament. If the Restoration had been accomplished upon this principle, the Monarchy of England would be a very different thing from what it is.

CHAP. XII.

Suppose, then, for a moment Church rate to have been destroyed by law; that is, suppose the principle of a National Church to have been done away by law, for this is the amount of it, not to speak here of the practical wrong and injury. It could not be revived *in the nature of things;* to say nothing of the lesson which history teaches, that a people who commit a national offence by way of formal and deliberate act, do not find the place of repentance.

Neither, again, could a churchman look to anything to fill the place of Church rate; there is nothing that could replace it in any proper sense of the word.* Privileges and opportunities of this nature are not vouchsafed under more forms than one to the same people.

But all this notwithstanding, much might be one by humble and loving spirits to prevent the blow being felt to all its extent and in all its force. The foundation would have to be laid in a cheerful submission to the law as a primary duty; and upon this there would have to be built up such means of permanent provision for preserving the churches and churchyards, and for supplying the necessaries of Divine worship, as the legislature might permit. The aspect of the parochial life of England would indeed be greatly changed —more changed than most men appear to think, and than it is perhaps easy to pourtray, and the entire change would be for the worse. But still something might be done, and, in some places, would be done—in many other places would not be done—towards repairing the mischief, so far as such repair is possible.

To apply ourselves to the task would be our duty if the worst should come. Meantime, till it come, let us

* Chap. II. p. 27.

not believe that it will come. It cannot come if churchmen be found faithful to their trust. And let us bear in mind that other primary duty of a churchman and a citizen to spare no pains to avert changes in the ancient custom and law of Church and State.

To those who regard the question of Church rate in the light in which it has been presented in these pages, the almost invincible apathy of clergy and people has, doubtless, been very trying. The defence of Church rate has certainly been about as poor and unworthy a thing as may be found in our history. And even now (to put aside all such churchmen as are hostile to Church rate) when men are heard to say, as many may be heard to say, that with all their desire to see Church rate maintained, they are making no exertion to maintain it, neither petitioning Parliament nor associating themselves in defence, confessing for themselves and for those among whom they live, that they see the danger and are convinced of its extent, and of the unhappy issues which it involves, but not willing, nevertheless, to move a finger to call forth the conviction into any public and authentic shape, it is hard to understand their conduct, except upon the rule which the great Greek historian applies to the action of the general council of confederated states.

"They assemble," he says, "after many delays: when assembled, they give some little time to the discussion of the general interests, but for the greater part of their session they are actively employed in forwarding the particular interests of the several states: *every member persuading himself that the general interest will suffer no harm by reason of his own neglec or indifference, and that it is, at least to some extent every other member's business to look after, not only his*

CHAP. XII.

own share in the general counsels, but the share of his fellows also: and in this way, while each member severally acts upon the same estimate of his public duty, the collective interests of the confederacy are damaged irreparably before any one is aware of the fact." *

But, after all, there is a redeeming feature in the Churchman's case, even under circumstances such as these. With many it is not apathy nor indifference nor neglect, but the indisposition to be mixed up with anything that looks like agitation.

The mistake here appears to be in the failure to discriminate between aggression and defence. Combination for purposes of defence is not only negatively lawful and honest, it is an imperative obligation. Combination for purposes of aggression is foreign to the position and the character of the Church of England. The ground which she occupies is that of the largest toleration combined with the faithful and steadfast upholding and maintaining of all her trusts. It is her privilege to welcome all into her churches and her schools, provided always that no injury be done directly or indirectly to her doctrine or her discipline. These things the Church has it in charge to keep inviolate. Not in behalf of her own children only, though in behalf of these first, but also in behalf of all those who are without her pale. Learned and pious men among nonconformists have borne willing and ample testimony to the value of the National Church in respect of its faithful witness, on the one hand, against corruption of the Faith, and, on the other, against the

* Χρόνιοι ξυνιόντες ἐν βραχεῖ μὲν μορίῳ σκοποῦσί τι τῶν κοινῶν, τῷ δὲ πλέονι τὰ οἰκεῖα πράσσουσι· καὶ ἕκαστος οὐκ οἴεται παρ' ἑαυτοῦ ἀμέλειαν βλάψειν τι τῶν κοινῶν, μέλειν δέ τινι καὶ ἄλλῳ καὶ ὑπὲρ ἑαυτοῦ τι προίδειν· ὥστε τῷ αὐτῷ ὑπὸ ἁπάντων ἰδίᾳ δοξάσματι λανθάνειν τὸ κοινὸν ἀθρόον φθειρόμενον.—Thucydides.

scepticism and the infidelity which are the natural fruits of the rational faculty, when uncontrolled and unregulated in its use, allowed to transgress its proper limits, and exalted into the place of faith.

The Church of England has been for the last thirty years in the position of one accused before a supreme court of judicature. Hitherto she has not suffered under the accusation with all the searching inquiries which it has involved. Some things affecting her interests may not have been well and wisely done; but few men will deny that her position is far stronger, and in many details, far more defensible, than when the assault began; or will shrink from allowing that the assault has been one cause of the improvement.

But it is hard to see what more can be added to toleration, unless it be by taking away from the Church.

In the debate, April 21, 1834, on going into Committee on Church Rates (Lord Althorp) Lord John Russell said—

"He would go along with the Dissenters in their efforts to get rid of restrictions on account of their religious belief, so long as they had any such grievances to get removed; but he could go no further. He certainly could not go to the extent of the hon. and learned member for Colchester (Mr. Harvey), and he must express his regret if, in going as far as he was prepared to go—if in removing grievances to the extent to which he was ready to remove them, the Dissenters wished him to go further, he must part from them.* If he understood the hon. and learned gentleman, he would not be satisfied with any principle in which the Established Church was recognised, and in that he must at once declare he could not concur."

* The above is quoted from Hansard: some words appear to have dropped out in this sentence.

CHAP. XII.

To this point then we are come. The demand is not that the Church of England tolerate, but that she be laid low. It is for the Parliament and the People of England to reply to the demand.

The Parliament and the People have a choice to make. They cannot defer the making of that choice. On the one hand is Church and State. The ancient Church and the ancient Monarchy of England, always bound together, always standing or falling together. The one become the limited Monarchy of a free people, in the place of an absolute rule; the other accepting and rejoicing in the toleration for which once there was no place, to which now there is no limit. But still the same Church and the same Monarchy: still in their hallowed combination presenting the same idea of Church and State.

On the one hand there is this. On the other there is the confusion of all religions, Christian and not Christian; the assertion of the rule of the unlimited and unregulated judgment of the individual man in matters of the religious life: a claim which exalts reason into the place of faith, and which is ever found in close and sympathising union with the extreme claim for democratic power.

On the other hand, then, there are such claims as these; pressing onward *pari passu*, and proposing, as their only natural and legitimate issue, the uprooting of our ancient constitution in Church and State.

Let Parliament and People make their choice. Let them make it *now*. Let them meet and baffle the assault at the point to which it has come. Let them forbid it to be said of our country in our time what was said of the declining age of the empire of Rome:

"Is status animorum erat, ut pessimum facinus auderent pauci, plures vellent, omnes paterentur."—*Tacitus*

APPENDIX.

APPENDIX A.

CHURCH RATE IN IRELAND.

Appendix A.

THERE appears to be no record of the earliest date of Church rate in Ireland. Since the Council of Cashel, A.D. 1172, assimilation with the Church of England in every particular was the principle which was carried out wherever practicable. The common law, both in Church and State, of the two countries, being considered identical, the English usages were adopted without formal record of their introduction. The differences which sprang up in the lapse of time were circumstantial, in cases where there had been original agreement.

Canon 94 of the Council of Cashel, A.D. 1453, is as follows:—

> "Decrevit concilium quod rectores et vicarii debent reparare cancellum; parochiani navem, quantum suppetant facultates ecclesiæ."

The statute of 12 George I., c. ix. sec. 8, was enacted to give a means of recovering Church rate in Ireland more easy than that afforded by process in the Ecclesiastical Court. But the statute does not appear to have been in any general or continued use. It was replaced by 54 George III., c. lxviii., the corresponding statute to 53 George III., c. cxxvii., sec. 7, in England, for the recovering of Church rate to any amount not exceeding 10*l.*

The agitation against the whole position of the Irish Church came to a point in the years from 1820 to 1833, and after some attempts in Parliament to save it from spoliation, but which, being compromises of principle, were rather incentives to spoliation than anything else, a bill was passed in the last-named year, which, among other provisions, abolished Church rate, and imposed in lieu of first fruits a graduated tax on the income of all future incumbents; this tax to be applied to the purposes formerly made good by Churchrate, and any deficiency in its amount to be supplemented out of the funds derived from suppression of bishoprics, and from a charge upon revenues of bishoprics still retained.

APPENDIX B.

CHURCH RATE IN SCOTLAND.

Appendix B.

The earliest record concerning Church rate in Scotland appears to be the following canon of the Concilium Provinciale Scoticum, convened by rescript from Pope Honorius III., A.D. 1227 :—

Quod ecclesiæ sufficienter ornentur.

V. "Ad hæc statuimus, quod ecclesiæ ad modum facultatum ipsorum parochianorum et per ipsos parochianos, et cancella earum per ipsos rectores de lapidibus construantur, et postea consecrentur, et debitis ornamentis, libris, et vasis ornentur, et ad statum debitum reformentur."

The parish churches throughout Scotland appear, about the period of the Reformation, to have fallen into a state of great and general decay, and many churches as well as religious houses were then entirely destroyed.

To meet this evil the Act 1563, c. lxxvi., "anent the reparrelling and uphalding of paroche kirkes, and of kirke zairdes of the samin for burial of the dead," was passed.

In pursuance of authority given under this Act, the Privy Council issued a proclamation*, setting forth that they had understood "that the paroch kirks of this realm, partly by sloth and negligence of the parishioners, and partly by oversight of the parsons, daily decay and become ruinous, and part of them are already fallen down, the parishioners no ways causing the same to be mended, nor yet the parson doing what appertains to him for upholding thereof, wherethrough the preaching of the Word of God, administration of the Sacraments, and reading of the common prayers, cease, and the people therethrough become altogether without knowledge and fear of God;" and they therefore "ordain all parish kirks within this realm, which are decayed and fallen down, to be repaired and upbigged, and, where they are ruinous and faulty, to be mended; and after that they be sufficiently mended in windows, thack, and other necessaries, to be maintained and upholden upon the expenses of the parishioners and parson in manner

* The proclamation is dated 13th September, 1563. Kames' Statute Law, App. No. 2.

following,—that is to say, the two part of the expense thereof to be made by the parishioners, and the third part by the parson." In order that the object of the proclamation should be the more speedily carried into effect, letters were ordered to be expede, charging "the parishioners of the parish kirks within this realm to elect and chuse certain of the most honest qualified men within their parochins, to tax every one of them effeiring to their substance, for furnishing of the two part of the expenses to be made in bigging and repairing of the said parish kirks;" and in the event of the parishioners not making payment of the sums in which they should be assessed, to the kirk-masters or deacons, to be appointed by the parishioners for receiving the same, within twelve days after being charged thereto, they were declared liable to be put to the horn, and power was given to sequestrate, in the hands of the parishioners, the teinds due to the parson for his share of the expense.

The Act 1572, c. liv., complains of this proclamation that it "as zit hes not tane execution in na place, because of the sleuth and unwillingnes of the parochiners, quhilks were slaw and refused to chuse persons to tax their nichtboures; and that alswa there was not kirk-maisters or deakons appointed in the parochin to receive the taxation appointed." To remedy this negligence, the statute ratifies the Acts of Parliament and of Privy Council with this addition, "that quhair the parochiners being required to elect and chuse persones for making of the taxation to the effect foresaid, refusis or delayis, or quhair there is na kirk-maisters or deacons appoynted, that then the archbischop, bischop, superintendent, or commissioner of the kirkes in time of their visitation, quhilk sall be betwixt and the first day of Junii nixt-to-cum, sall at their discretioun nominate and appoint persones in every parochin for making and setting of the taxation, as alswa for receiving of the samin."

This statute, with the Act 1563, and proclamation of the Privy Council already referred to, are the only legislative enactments regarding the repairing and rebuilding of churches. There is reason to believe that for some time they were not effectually carried into execution. They gradually, however, came into operation, and the practice which has been had under them, and the decisions which have been pronounced by the Court of Session with reference to them, have formed the present system of our law regarding the upholding and rebuilding of parish churches.

It remains to say who are liable in the burden of repairing and rebuilding parish churches.

It would appear, from the only evidence we possess on the

Appendix B.

subject, that in times of popery, the burden of upholding the chancel was laid on the parson or rector of the parish, and that of upholding the body of the church on the parishioners.*

By the Act of the Privy Council, 1563, the burden was apportioned between the parson and the parishioners,—the former being subjected in one-third, and the latter in two-thirds of the expense, without any distinction being made between the cases in which there was, and those in which there was not, a chancel.

The Act of Council, in regard to the expense of the two-thirds imposed on the parish, directs that it should be laid on the "parishioners," and according to their "substance," but it is now perfectly settled in practice, that the *whole* expense is to be borne by the parish; that it is to be paid, not by the *parishioners at large*, but only by the *heritors*, or proprietors of heritable property, and that not according to their *substance* generally, but in proportion to the value of their landed property.

This burden lies on *proprietors* alone.

The above are extracts from Dunlop (Parochial Law. Edin. 1841).

* Canons of Perth, 5. Hailes' Annals, vol. iii. App.

† From what causes it has happened in Scotland that the burden attaches to the proprietors and not to the occupiers, the writer has not yet been able to ascertain.

APPENDIX C.

Year.	Petitions.	No. of Petitions.	No. of Signatures.	Date.	Divisions.	Ayes.	Noes.	Majority.	Reports.
1833	For Relief from Payment of Church Rates . . .	2	206		Nil.				
1834	*Against* the *Church Rates' Bill*	137	50,898		Nil.				
	Against continuing Ecclesiastical Expenses in Liverpool .	1	113		Church Rates. (*Lord Althorp*) Amendment (*Mr. Hume*) Abolition of Church Rate . .	256	140	116	
1835	For Abolition . . .	3	1,573		Nil. (*Lord Althorp*) Resolution carried				
1836	For Abolition . . .	112	21,456		Nil.				
1837	Against Abolition and against Ministerial Measure . .	3,194	330,123	Mar. 15.	Church Rates Regulation (in Committee) (*Mr. Spring Rice*) on Question for Abolition of				
,,	For Abolition, and in favour of Ministerial Measure . .	2,328	674,719		Rates and Provision out of Church Lands . . .	273	250	23	
,,	For appropriating surplus funds for building Churches and Schools	1	1	May 23.	On Motion, That this House doth agree with Committee in said Resolution	287	282	5	

Year.	Petitions.	No. of Petitions.	No. of Signatures.	Date.	Divisions.	Ayes.	Noes.	Majority.	Reports.
1837	For protection . . .	2	121	June 12.	Committee on Church leases (*Lord J. Russell*), with view to funds for Church rate. . . .				
,,	For liquidating Debts contracted on their Security . .	3	204		— Amendment, Abolition of Church rate (*Mr. Harvey*) .	58	489	431	
					——— Main Question . .	319	236	83	
					——— Amendment on going into Committee (*Mr. Goulbourn*)	265	291	26	
				May 3.	——— Reappointment of Committee, Amendment (*Mr. Liddell*)	251	265	11	
1837-8	For Abolition . . .	5	134						
1839	For Abolition . . .	10	169		Nil.				
,,	For discharge of John Thorogood	1	1						
,,	Relative to Provision for the Sacrament	10	1,045						
1840	For Abolition . . .	697	77,591		On Motion for leave to bring in a Bill *for* the *Abolition* of Church Rates (*Mr. Duncombe*) . .	62	117	55	
,,	Against Abolition . . .	2	275						
,,	Relative to Seizure of Goods .	1	1						
1841	For Abolition . . .	975	107,070						
,,	Against Abolition . . .	10	1,381						

1841	Against a Petition for Abolition	1	3	Nil.			
„	For Alteration of Law . .	1	48				
„	Relative to Signatures to a Petition	1	1				
1842	For Abolition . . .	9	602	On Motion for leave to bring in a Bill for Abolition, &c. (*Sir J. Easthope*)	80	162	82
„	Against Abolition . . .	2	283				
1843	For Abolition	1	1	Nil.			
„	Against Abolition . . .	2	280				
„	For Amendment of Law . .	4	625				
1844	For Abolition	2	221	Nil.			
„	Against Abolition . . .	1	1				
„	For Inquiry into. Rates at Warwick	1	2				
1845	Complaining of Proceedings .	1	1	Nil.			
1846	Complaining of Proceedings .	1	10	Nil.			
„	For a satisfactory Settlement .	1	24				
1847	Nil.			Nil.			
1847-8	For Abolition . . .	13	5,723	Nil.			

Year.	Petitions.	No. of Petitions.	No. of Signatures.	Date.	Divisions.	Ayes.	Noes.	Majority.	Reports.
1849	For Abolition . . .	72	6,292		On Motion, That measures be immediately taken for Abolition of Church Rates (*Mr. Trelawny*)	84	119	35	
,,	For Alteration of Law . .	1	1						
,,	For Abolition of the Rates and of Ecclesiastical Courts .	1	86						
1850	For Abolition . . .	239	21,472		Nil.				
,,	Against Abolition . . .	1	133						
,,	For Alteration of Law . .	5	413			From here tellers included.			
,,	For Abolition of Tithes and Church Rates . . .	1	5						
1851	Against Abolition . . .	1	74	May 2.	Church Rates Committee,—"That Mr. Trelawny be a Member of the Committee." Debate arising: Question put,—"That the Debate be adjourned" . .	19	53	34	15th July, 1851.
,,	For Abolition . . .	13	1,211						
,,	Against Alteration of Law .	2	194						
1852	For Abolition . . .	3	39		Nil.				
,,	Church Rates (Surbiton) for Alteration of Law . .	1	85						

1852-3	For Abolition . . .	112	12,660	May 26.	Church Rates.—Motion for a Bill to alter the Law,—(*Mr. Robert Phillimore*)—Amendment proposed,—"That this House do resolve itself into a Committee, to consider whether Church Rates should not be Abolished, &c."—(*Sir William Clay*)—"That the words proposed to be left out stand part of the Question"	187	209	22
„	Do. and for substitution of other measures . .	1	4					
„	For Exemption and Inquiry .	2	165					
				„ „	——— Main Question, as amended, put,—"That this House do resolve itself into a Committee, &c."—(*Sir W. Clay*)	174	222	48
1854	For Abolition . . .	697	82,966	May 23.	Church Rates Abolition Bill—Motion for leave.—(*Sir W. Clay*)	131	64	67
„	Complaining of Imprisonment for Non-payment . .	1	2					
„	For facilitating Enforcement .	1	31	June 21.	——— Second Reading .	184	211	27
„	Against Church Rates Abolition Bill	1	6					
„	For do. do.	89	10,597					
„	Against Church Rates (No. 1.) Bill	3	96					
„	Do. and for the Abolition Bill	5	179					

Year.	Petitions.	No. of Petitions.	No. of Signatures.	Date.	Divisions.	Ayes.	Noes.	Majority.	Reports.
1854-5	Against Abolition . . .	2	2	Mar. 29.	Church Rates Abolition:—Motion for leave for a Bill.—(*Sir William Clay*) . . .	157	78	79	
„	Against Abolition, and against Alteration of Law . .	1	1						
„	For Abolition . . .	1,599	149,512	May 16.	Church Rates Abolition (No. 2) Bill,—Second Reading . .	219	191	28	
„	For Alteration of Law . .	4	75						
„	For Settlement of Question .	8	35	July 11.	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."—An Amendment proposed.—Debate arising,—Question put, "That the Debate be now adjourned"	120	177	57	
„	Against Church Rates Abolition Bill	11	936						
„	For Alteration of Church Rates Abolition Bill . . .	2	110						
„	For Extension to Scotland .	1	5						
„	For Exemption of Parishes under Local Acts from (No. 2.) Bill . . .	1	103						
„	For Abolition of Church Rates, &c.	4	540						
1856	Against Abolition . . .	8	370	Mar. 5.	Church Rates Abolition Bill,—Second Reading . . .	223	180	43	
„	For Abolition.	26	3,088						
„	Against Abolition without Provision of an Equivalent	756	28,938						

1856	For permitting Redemption .	1	12					
„	Against Church Rates Abolition Bill	41	1,226					
„	For Church Rates Abolition Bill	118	8,987					
„	Against certain proposed Amendments	6	1,353					
„	For Provision as to Stipends of Ministers	1	20					
„	Against the Abolition Bill, and for Church Rates Bill . .	1	6					
1857	Against Abolition . . .	17	473		Nil.			
„	For Abolition . . .	10	1,379					
„	For Provision . . .	40	1,629					
1858	For Alteration of Law . .	2	72	Feb. 17.	Church Rates Abolition Bill,—(Second Reading) . . .	215	162	53
„	For Provision . . .	10	272					
„	For Abolition . . .	4	157	Apr. 21.	——— (In the Committee):—"That the Chairman do report progress, &c."—(*Mr. Lygon*) .	106	348	242
„	Against Abolition . . .	5	105					
„	Against Church Rates Abolition Bill	419	12,248	„ 27.	Substitution of rent charge for Church Rate—(*Mr Puller*) .	54	317	263
„	For Church Rates Abolition Bill	198	18,311	May 13.	——— (In the Committee):—"That Clause 1 stand part of the Bill."	229	155	74

Year.	Petitions.	No. of Petitions.	No. of Signatures.	Date.	Divisions.	Ayes.	Noes.	Majority.	Reports.
1858	For Alteration of Church Rates Abolition Bill . . .	14	281	June 1.	——— (On Third Reading):—Debate arising,—Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Drummond*) . . .	105	152	47	
				„ „	——— (On Third Reading):—Motion made, and Question put, "That this House do now adjourn."—(*Mr. Hume*) . .	80	138	58	
				„ 8.	——— (Third Reading) .	268	205	63	Brought from Lords 9th Aug. 1859.
1859	Against Abolition . . .	4	95	Mar. 10.	Church Rates Abolition Bill.—(*Sir John Trelawney.*)—On Second Reading:—Debate arising, — Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Beresford Hope*) . .	110	175	65	
„	Against Abolition without Provision of an Equivalent .	46	2,181						
„	For Abolition . . .	4	6						
„	For Alteration of Law . .	1	1						
„	Against Church Rates Abolition Bill	97	2,731						
„	For Church Rates Abolition Bill.	5	193	„ 15.	——— (Second Reading) .	244	170	74	
„	For Exemption . .	1	5	„ 9.	Church Rates Bill.—(*Mr. Walpole.*)—Second Reading . .	173	256	83	

1859				June 9.	Church Rates Abolition Bill.—(*Sir John Trelawny*) (No. 2). —First Reading . . .				
				July 13.	——Second Reading . . .	263	193	70	
1860	Against total Abolition of Church Rates . . .	5,576	197,687	Feb. 8.	Church Rates Abolition Bill.—(*Sir John Trelawny.*)—Second Reading . .	265	236	29	Brought from Lords 15th Mar. 1860.
„	For Commutation . . .	1	22						
„	For Abolition Bill . . .	5,538	610,877						
„	For Alteration of Abolition Bill	1	800						
„	For Alteration of Church Rates Law Amendment Bill .	3	9	Mar. 28.	——— (On going into Committee):—"That Mr. Speaker do now leave the Chair."—Amendment proposed.—(*Mr. Newdegate*)	224	151	73	
„	Complaining of fraudulent Practices in getting up Petitions .	1	5	Apr. 19.	——— "That the Bill be now read a third time."—Debate arising; Motion made, and Question put, "That the Debate be now adjourned."—(*Lord John Manners*) . .	78	133	55	
				„ „	——— Original Question again proposed:—Whereupon Motion made, and Question put, "That this House do now adjourn."—(*Mr. Lygon*) .	75	126	51	
				„ 27.	——— Third Reading . .	237	228	9	

Appendix D.

APPENDIX D.

1852. Return of cities and parliamentary boroughs in which Church rate was made or levied, from Easter 1833 to Easter 1851,—eighteen years.

The return extends to 1047 parishes. 831 granted; 216 refused the rate.

1856. Return for the fifteen years preceding 1856. The return extended to 9,676 parishes: of these 8,280 granted the rate; 408 refused it; 444 gave dubious replies; 544 had provision made for Church repairs from other sources:—

8,280	
408	
444	
544	
9,676	

Upon this return Mr. Walpole said:—"Now, considering that Church rates have been a charge on persons in respect of property from time immemorial, it does seem to me one of the most extraordinary propositions ever announced, that for the sake of 408 parishes which have refused to obey the law, you are to deprive 8,280 parishes of the privilege of continuing to obey it."

1859. Return from 10,706 parishes:—

In 1,367	parishes,	landowners, all churchmen.
7,436	„	landowners, generally churchmen.
1,050	„	numbers about equal.
353	„	not stated.
500	„	returns not analysed.
10,706		

Appendix E.

APPENDIX E.

1861. Feb. 7. Sir John Trelawny.—Bill to abolish Church rates, read first time.

Feb. 12. Mr. Hubbard.—Bill to amend the law of Church rates, read first time.

Feb. 20. Mr. Alcock.—Bill for Voluntary Commutation of Church rates, read first time.

Feb. 22. Duke of Marlborough.—Bill to amend law of Church rate, read first time.

N.B.—All these attempts at compromise are only so many elements of weakness and incitements to continued agitation. Exemption especially is in every way far worse than Abolition.

THE END.

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